

## **BILL ANALYSIS**

Senate Research Center  
82R9326 GCB-F

H.B. 260  
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Criminal Justice  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Smugglers have been unlawfully transporting people across international borders for decades. Recently, the crime has become more profitable since some smugglers have detained and then extorted additional money from the people that they have already illegally transported into the United States. Due to the illegal nature of entry into the United States, fear of the smuggler, and fear of deportation, victims are less likely to report smugglers to law enforcement. Failure to comply with a smuggler's or transporter's additional demands often results in the smuggled person being beaten, raped, murdered, or sold into forced labor or the commercial sex trade. Concerned parties contend that Texas law relating to these offenses does not provide adequate punishment for smugglers, who subject victims to this unfortunate, life-changing situation, and thus this offense is rarely prosecuted by Texas authorities. According to those observers, most cases of smuggling are prosecuted by federal attorneys because federal prosecutors can secure longer sentences for the crime. H.B. 260 seeks to remedy this situation by enhancing state smuggling laws.

H.B. 260 amends current law relating to the prosecution and punishment of unlawful transport of a person.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 20.05, Penal Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Provides that an offense under this section is a felony of the second degree, rather than a state jail felony.

(c) Authorizes an actor, if conduct constituting an offense under this section also constitutes an offense under another section of this code, to be prosecuted under either section or under both sections.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.