

## **BILL ANALYSIS**

Senate Research Center  
82R10645 MAW-D

S.B. 1649  
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Transportation & Homeland Security  
3/24/2011  
As Filed

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

Border crime has been a growing concern in Texas for a number of years. Border communities bear a significant financial burden from drug and human trafficking crimes, including the cost of prosecuting individuals accused of those crimes.

In response to this situation, the 81st Legislature funded a \$4 million grant program for border region district attorneys working on issues related to border crime. The grant is administered through the criminal justice division of the governor's office. Funding came from the Operators and Chauffeurs License fund.

The Border Prosecution Unit (BPU) was formed from the grant program for border district attorneys.

S.B. 1649 would define BPU in statute based on the criteria developed by regional and state stakeholders to identify the targeted crimes, performance measures, geographic region and funding allocation. The bill recommends the Fugitive Apprehension Fund as an appropriate funding source.

The BPU region includes 38 counties along the border and identified drug corridors. Border crime is described as any crime that undermines public safety or security because of proximity to the border. These are crimes such as, but not limited to, weapons, drugs, human trafficking, money laundering, kidnapping, extortion, and murder.

As proposed, S.B. 1649 amends current law relating to a grant program to support the prosecution of certain crimes.

### **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 Chapter 772, Government Code, by adding Section 772.0071, as follows:

Sec. 772.0071. PROSECUTION OF BORDER CRIME GRANT PROGRAM. (a) Defines "border crime," "border region," "criminal justice division," and "eligible prosecuting attorney" in this section.

(b) Requires the criminal justice division in the governor's office (criminal justice division) to establish and administer a competitive grant program through which an eligible prosecuting attorney or the attorney's office may apply for a grant to support the prosecution of border crime in a county or counties under the jurisdiction of the attorney.

(c) Requires the criminal justice division to establish:

(1) additional eligibility criteria for grant applicants;

- (2) grant application procedures;
- (3) guidelines relating to grant amounts;
- (4) procedures for evaluating grant applications; and
- (5) procedures for monitoring the use of a grant awarded under the program and ensuring compliance with any conditions of a grant.

(d) Authorizes money in the fugitive apprehension account to be appropriated only to the criminal justice division for the purpose of awarding grants under this section. Exempts the account from the application of Section 403.095 (Use of Dedicated Revenue).

(e) Requires the criminal justice division to include in the biennial report required by Section 772.006(a)(9) (relating to requiring the criminal justice division to submit a biennial report) a detailed reporting of the results and performance of the grant program administered under this section.

SECTION 2. Repealer: Section 411.0091(c) (relating to authorizing the legislature to appropriate funds to the Department of Public Safety of the State of Texas (DPS) from the fugitive apprehension account for the purpose of paying the costs to DPS of implementing Section 411.0091 (Sex Offender Compliance Unit)), Government Code.

SECTION 3. Requires the criminal justice division of the governor's office, not later than October 1, 2011, to establish the prosecution of border crime grant program required by Section 772.0071, Government Code, as added by this Act, and, not later than January 1, 2012, to award the first grants under that program.

SECTION 4. Effective date: September 1, 2011.