

**SUBJECT:** Increasing penalties for smuggling of persons and other conduct

**COMMITTEE:** State Affairs — favorable, without amendment

**VOTE:** 9 ayes — Hunter, Anchía, Dean, Geren, Guillen, Metcalf, Slawson, Smithee, Spiller

2 nays — Hernandez, S. Thompson

2 absent — Raymond, Turner

**WITNESSES:** For — Sheena Rodriguez, Alliance for a Safe Texas; Roy Boyd, Goliad County Sheriff; Brent Smith, Kinney County Attorney; Rhonda Marquardt (*Registered, but did not testify*: Chris Jones, Combined Law Enforcement Associations of Texas; James Parnell, Dallas Police Association; David Batton, Harris County Deputies’ Organization FOP 39; Ray Hunt, Houston Police Officers’ Union; Anthony Kivela, Houston Police Retired Officers Association; Rachel Horton, Republican Party of Texas, State Republican Executive Committee Woman SD30; Brian Hawthorne, Sheriffs’ Association of Texas; Tom Glass, Texas Constitutional Enforcement; John Wilkerson, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs’ Regional Alliance; and seven individuals)

Against — Bethany Carson, Grassroots Leadership; Sadie Hernandez, Transgender Education Network of Texas; Zachary Kolodny (*Registered, but did not testify*: Ash Hall, ACLU of Texas; Calletana Martinez, Maria Reyes, Ruth Tiguila, Arise Adelante; Maria Gonzalez, Irma Martinez, Veronica Mata, Dina Nuñez, Erika Vazquez, Border Workers United; Will Davies, Victoria Uriostegui, Breakthrough Central Texas; Lissette Castillo, Detention Watch Network; David Stout, El Paso County; Jaime Puente, Every Texan; David Johnson, Sybil Sybille, Alicia Torres, Grassroots Leadership; Joaquin Garcia, La Union del Pueblo Entero; Karina Alvarez, Laredo Immigrant Alliance; Carlos Alvarez, Evon Bueno, Blanca Munoz, Nadia Briones, Sergio Trevino, LUPE; Nataly Avendano, Mano Amiga; Geovanna Balderas, Dulce Garcia, MISMA; Sulma Franco,

Helen Monroy Ortiz, Mujeres Luchadoras; Libby Goldman, Never Again Action; Rocio Fierro-Perez, Carisa Lopez, Emily Witt, Texas Freedom Network; Joshua Houston, Texas Impact; Alexa Carranco, Ivonne Diaz, Manuel Guzman, Isabel Herrera, Kyle Jacquez, Jasmine Tellez, Texas Rising; Janice Resendiz, Texas Rising Action; Erin Walter, Texas Unitarian Universalist Justice Ministry; Fernando Garcia, Samantha Singleton, The Border Network for Human Rights; Katie Naranjo, Cynthia Van Maanen, Travis County Democratic Party; Si Hwa, Hyang Sook Rhee, Joshua M. Na, John Kim, Kyou H. Kim (Paul Kim), Nicole Ma, Dona Murphey, Myoung Soon Ryoo, Myung J. Kim, Quynh-Huong Nguyen, Hyunja Norman, Terry Yun, Yun Hwa Lee, Woori Juntos; and 61 individuals)

On — Nelson Barnes, 452nd District Attorneys Office (*Registered, but did not testify*: Victor Trevino, La Union del Pueblo Entero; Josh Reno, Office of the Texas Attorney General; Nim Kidd, TDEM; Steve McCraw, Texas Department of Public Safety; Shawn Hall Lecuona, The Voice of Justice and of Consanguinity)

**BACKGROUND:** Concerns have been raised that the current punishment for offenses such as smuggling of persons, operating a stash house, and evading arrest do not provide a sufficient deterrent.

**DIGEST:** HB 800 would establish a 10-year minimum term of imprisonment for the following offenses:

- third-degree felony, second-degree felony, and first-degree felony offenses for smuggling of persons; and
- second-degree felony and first-degree felony offenses for continuous smuggling of persons.

The bill also would increase the punishment for the offense of operation of a stash house from a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) to a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) with a five year minimum term of imprisonment. The penalty for such an offense would be enhanced

to a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000) with a five year minimum term of imprisonment if:

- a person knowingly used or permitted another to use any real estate, building, room, tent vehicle, boat, or other property owned by or under the control of the person to commit an offense or facilitate the commission of an offense of continuous smuggling of persons, continuous trafficking of persons, or compelling prostitution; or
- as a direct result of the offense, an individual became a victim of sexual assault, aggravated sexual assault, or suffered serious bodily injury or death.

HB 800 would include smuggling of persons, continuous smuggling of persons, and operation of a stash house among the offenses for which the punishment would be increased if it was shown on the trial that the offense was committed in a disaster or evacuated area. The minimum term of imprisonment for such offenses would be 10 years.

HB 800 would increase the penalty for the following offenses to a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) if the actor committed the offense while knowingly encouraging or inducing a person to enter or remain in the United States in violation of federal law by concealing, harboring, or shielding that person from detection:

- assault;
- burglary committed on the premises of a building other than a habitation;
- burglary of vehicles;
- criminal trespass; and
- evading arrest or detention.

The punishment for a misdemeanor or state-jail felony offense of arson, criminal mischief, reckless damage or destruction, interference with railroad property, or graffiti would be increased to third-degree felony

(two to 10 years in prison and an optional fine of up to \$10,000) if the actor committed the offense:

- while knowingly encouraging or inducing a person to enter or remain in the United States in violation of federal law by concealing, harboring, or shielding that person from detection; or
- in the course of or for the purpose of evading arrest or detention.

**NOTES:**

According to the Legislative Budget Board, increasing the penalty of existing offenses may result in additional demands upon state correctional resources but the fiscal implications of the bill cannot be determined due to lack of relevant data.