

BILL ANALYSIS

Senate Research Center

S.B. 1853
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Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 83rd legislative interim, various committees discussed issues pertaining to cartel-related crimes. Law enforcement officials informed the committees that certain regions of the state were at the epicenter of some these crimes (e.g., human trafficking) and that the state's highways were being used as corridors for related illegal activities.

Children at Risk, a nonprofit organization, recently reported that "Texas is a hub for international human trafficking because of its many busy interstate highways, international airports, bus stations, the shipping commerce through the Gulf of Mexico, and its shared border with Mexico. This border is North America's number one supply site for young children used in sex and labor trafficking. In addition, Texas houses the I-10 corridor, which the Department of Justice designated as the number one route for human trafficking in the United States." Children at Risk also reported that "Texas is also a hotspot for domestic human trafficking because cities such as Dallas, Houston and Austin have many runaway and homeless youth."

S.B. 1853 assists the Department of Public Safety of the State of Texas (DPS) in better protecting Texas' communities from cartel-related crimes (e.g., human trafficking) by providing DPS the authority to establish a program throughout the state to prevent and detect the unlawful possession, or the unlawful and imminent movement or transfer from this state to an adjacent state or Mexico, of guns, illegal drugs, or money, as well as smuggling or trafficking of persons.

In developing the program, S.B. 1853 requires DPS to establish clear guidelines, procedures, and protocols to mitigate any unnecessary negative impact on the flow of trade, commerce, or daily business activities in locations where the program is implemented and to minimize any intrusion on a person in an encounter with a peace officer exercising the his or her authority under the program. In order to provide greater cooperation from the local and federal authorities, S.B. 1853 directs DPS to implement the program in conjunction with federal and local law enforcement agencies.

S.B. 1853 builds on DPS's existing authority of working with local law enforcement authorities to prevent and discover crime, apprehend criminals, and promote public safety; and in establishing policies and procedures to address drug related crimes by working with multicounty entities.

S.B. 1853 amends current law relating to authorizing the Department of Public Safety of the State of Texas to establish a statewide program for the prevention and detection of certain criminal offenses.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the public safety director in SECTION 1 (Section 411.0208, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 411, Government Code, by adding Section 411.0208, as follows:

Sec. 411.0208. STATEWIDE PROGRAM FOR THE PREVENTION AND DETECTION OF CERTAIN CRIMINAL OFFENSES. (a) Authorizes the Department of Public Safety of the State of Texas (DPS) to establish a program throughout this state for preventing and detecting:

(1) the unlawful possession or the unlawful and imminent movement or transfer between this state and an adjacent state or the United Mexican States of:

(A) firearms, in violation of Section 46.14 (Firearm Smuggling), Penal Code;

(B) controlled substances, in violation of Chapter 481 (Texas Controlled Substances Act), Health and Safety Code;

(C) currency, in violation of Section 34.02 (Money Laundering), Penal Code; or

(2) the commission or imminent commission of the offenses of smuggling of persons under Section 20.05 (Smuggling of Persons), Penal Code, and trafficking of persons under Section 20A.02 (Trafficking of Persons), Penal Code, occurring in this state or involving travel between this state and an adjacent state or the United Mexican States.

(b) Requires a peace officer participating in a program established under this section to have reasonable suspicion or probable cause to believe that firearms, controlled substances, or currency are unlawfully possessed or being unlawfully and imminently moved or transferred between this state and an adjacent state or the United Mexican States or that an offense described by Subsection (a)(2) has been committed or imminently will be committed, as applicable, before exercising the officer's authority under the program, including stopping a person or vehicle or coming into contact with a person.

(c) Requires DPS, in developing the program, to establish:

(1) clear guidelines and procedures to mitigate any unnecessary negative impact on the flow of trade, commerce, or daily business activities in locations where the program is implemented; and

(2) protocols, standards, and guidelines to minimize any intrusion on a person in an encounter with a peace officer exercising the officer's authority under the program.

(d) Requires DPS to implement the program established under this section in conjunction with federal and local law enforcement agencies.

(e) Requires the public safety director to adopt rules as necessary to implement and administer a program established under this section.

SECTION 2. Effective date: upon passage or September 1, 2015.