

BILL ANALYSIS

S.B. 1853
By: Lucio
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recently, various legislative committees discussed issues pertaining to cartel-related crimes in Texas. Some law enforcement officials informed the committees that certain regions of the state are at the epicenter of such crimes, including human trafficking, and that state highways are being used as corridors for related illegal activities. Some observers contend that Texas is a hub for international human trafficking due to its many busy interstate highways, international airports, and bus stations, its shipping commerce through the Gulf of Mexico, and its shared international border. S.B. 1853 seeks to address this issue by providing a means by which the Department of Public Safety can better protect Texas from cartel-related crimes.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the public safety director of the Department of Public Safety in SECTION 1 of this bill.

ANALYSIS

S.B. 1853 amends the Government Code to authorize the Department of Public Safety (DPS) to establish a program throughout Texas for preventing and detecting the following offenses: the unlawful possession or the unlawful and imminent movement or transfer between Texas and an adjacent state or the United Mexican States of firearms constituting the Penal Code firearm smuggling offense, of controlled substances in violation of the Texas Controlled Substances Act, or of currency constituting a Penal Code money laundering offense; and the commission or imminent commission of the offenses of smuggling of persons and trafficking of persons occurring in Texas or involving travel between Texas and an adjacent state or the United Mexican States. The bill requires a peace officer participating in the program to have probable cause to believe that such a violation or offense is being, has been, 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.

S.B. 1853 requires DPS, in developing the program, to establish 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 to establish 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. The bill requires DPS to implement the program in conjunction with federal and local law enforcement agencies and requires the public safety director of DPS to adopt rules as necessary to implement and administer the program.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.