

SUBJECT: Regulating minors who wish to cross the Texas-Mexico border

COMMITTEE: Public Safety — favorable, without amendment

VOTE: 8 ayes — B. Turner, Keel, Berman, Driver, Gutierrez, Isett, P. King, Villarreal

0 nays

1 absent — Hupp

WITNESSES: For — Monica Escamilla, La Joya High School; Ruben Flores, MADD-Rio Grande Valley; Daniella Peña, La Joya High School

Against — None

On — Gregory Hamilton, Texas Alcoholic Beverage Commission

DIGEST: HB 2991 would add art. 2.131 to the Code of Criminal Procedure to allow peace officers to prevent certain juveniles from crossing the border into Mexico. The bill would require a peace officer to stop any person under 18 years of age from crossing the Mexico border unless he or she is accompanied by a parent or guardian, has written consent from a parent or guardian, or has a valid U.S. passport. An officer could not detain a youth unless the officer had probable cause to believe that the youth had engaged in illegal conduct.

HB 2991 would take effect September 1, 2001.

SUPPORTERS SAY: HB 2991 is necessary to help curtail the number of minors who cross the border to illegally purchase and consume alcohol. Because the legal drinking age in Mexico is 18, many Texas teens cross the Mexico border thinking it will be easier to get alcohol there than at home. This creates a health and safety issue and puts our young people at risk. Many underage drinking deaths occur because of alcohol poisoning and driving under the influence. Also, the rate of street violence, crime, and assault and battery is high on both sides of the border. This bill could be an effective deterrent if the minors simply knew that they could be prevented from crossing the border without their parent or guardian or without written consent.

Minors often do not realize that their legal rights as Americans do not cross the border with them. American teenagers could be incarcerated in Mexican prisons under illegitimate or minor offenses. Mexico arrests over 1,000 Americans abroad per year, and about 450 U.S. citizens are incarcerated in Mexico at any given time. Many minors are too naive to understand the severe risks involved with crossing the border.

California has had a similar statute in place since 1973 with great success. Studies of the California-Mexico border have shown a dramatic decrease in the number of underage drinking deaths since the passage of state legislation to regulate minors crossing the border.

**OPPONENTS
SAY:**

This bill is unnecessary because the Texas Alcoholic Beverage Commission already works with border law enforcement on special projects to try to regulate alcohol-related border crossings.

**OTHER
OPPONENTS
SAY:**

HB 2991 would not provide a strong enough deterrent. Because there is no punitive measure proposed, no real consequences would exist for minors who crossed the border to drink illegally.