

SUBJECT: Making it a crime to misrepresent child as family member at port of entry

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 11 ayes — Phelan, Deshotel, Harless, Holland, Hunter, P. King, Parker,  
Raymond, E. Rodriguez, Smithee, Springer

0 nays

2 absent — Hernandez, Guerra

WITNESSES: For — Michael Barba, Texas Catholic Conference of Bishops;  
(*Registered, but did not testify*: Walter West, Republican Party of Texas,  
Veterans American Legion Representative; Malinda Pennell, Sarw; Mark  
Dorazio, State Republican Executive Committee; CJ Grisham; Terri Leo  
Wilson; Tanya Robertson)

Against — (*Registered, but did not testify*: Fatima Menendez, Mexican  
American Legal Defense Educational Fund)

On — (*Registered, but did not testify*: Jason Dudley, Texas Department of  
Public Safety; Thomas Parkinson)

DIGEST: HB 888 would make it a crime for a person, with intent to deceive, to  
knowingly misrepresent another person who was younger than 18 years of  
age as a family member to a peace officer or federal special investigator at  
a port of entry. The offense would be a class B misdemeanor (up to 180  
days in jail and/or a maximum fine of \$2,000)

A port of entry would mean a place designated by the president, the U.S.  
secretary of the treasury, or the U.S. Congress at which a customs officer  
was authorized to enforce customs laws.

A family member would mean a person who was related to another person  
by consanguinity or affinity.

If conduct under the bill constituted an offense under another law, the person could be prosecuted under the bill, other law, or both.

The bill would take effect September 1, 2019.

**SUPPORTERS  
SAY:**

HB 888 would help combat human trafficking and protect immigrant children. A large number of child victims are trafficked through ports of entry, where their captors misrepresent them as family members to law enforcement. This practice, although currently against federal law, should be illegal under state law to allow local or state law enforcement to enforce it and aid in the fight against human trafficking.

The bill would not be an attempt to curb immigration or deter asylum seekers, as the offense would apply to any person, regardless of citizenship status.

**OPPONENTS  
SAY:**

HB 888 should not apply to individuals who were legitimate guardians of a child and who simply referred to the child as a family member because they had taken care of the child for an extended period of time.