



Chair, Rep. Garnet Coleman

Treasurer, Rep. Elliott Naishtat

LSG Floor Report for Emergency Calendar – Wednesday, March 18, 2015

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
<p>HB 11 By Rep Bonnen, Dennis, et al.</p>	<p>Relating to the powers and duties of the Texas Department of Public Safety and the investigation, prosecution, punishment, and prevention of certain offenses; creating an offense and increasing a criminal penalty.</p>	<p>Homeland Security & Public Safety</p>	<p>HB 11 aims to decrease the flow of weapons, drugs, and human trafficking across the border by increasing law enforcement presence, changing the definition and penalties for human smuggling, and by changing reporting and information standards in an attempt to provide more accurate statistics. While the LSG supports this bill, there are still concerns, and there are a number of amendments that will help address those concerns.</p> <p>One of the primary concerns regards the bill's expanded definition of human smuggling. Many advocates are concerned that helping out other individuals could now fall under "human smuggling." These fears were largely allayed in the latest version of this bill, which now specifies that the action must be done for a monetary benefit. While HB 11 is aimed specifically at those who wish to make illicit profit off of undocumented immigrants, members should ensure that the bill adequately differentiates human smugglers from those who are merely being good Samaritans.</p> <p>HB 11 emphasizes the importance of DPS collaboration with other entities through the creation of the Texas Transnational Intelligence Center. The center will monitor in real time criminal activity among counties bordering Mexico and share with all Texas law enforcement officials as well as TABC and the Parks and Wildlife Department. This will make for a more informed and better equipped Texas law enforcement. The bill also requires DPS to investigate the feasibility of helping federal agents in seizing contraband taken from Texas to the United Mexican States.</p> <p>HB 11 seeks to utilize former DPS officers and local law enforcement by creating a Reserve Officers Corps and encouraging law enforcement officers to become DPS officers. DPS will provide law enforcement officers with greater pay and rank if they have comparable experience at the local level. While this benefits the state, there are some concerns among local sheriffs, particularly in border regions, that they will lose officers to the higher pay offered by DPS. This would leave cities with a shortage of qualified personnel to fill those positions.</p> <p>This bill requires that all local law enforcement divisions participate in reporting crime statistics that meet the standards of the National Incident-Based Reporting System of the Uniform Crime Reporting Program maintained by the FBI. Meeting national standards could improve the safety for Texans by providing more comprehensive crime reporting statistics, but it will also require that each crime be reported individually even if one event involves multiple criminal acts. This may give the illusion that more crime is happening when it's actually just a change in reporting methods.</p>	<p>Favorable with Concerns Evaluated by: Paige Reitz 512-763-0031 Paige@texaslsg.org</p>

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			Finally, HB 11 mandates felony charges against anyone smuggling individuals into the country or encouraging them to stay in the country illegally for monetary benefit. In addition, the bill increases penalties for those smuggling children or smuggling individuals who face significant risks of sexual assault, bodily injury, or death. While this change seeks to strengthen human smuggling laws to prevent victims from being harmed, it potentially makes it easier to target anyone offering aid to immigrants. The bill's reference to violations of federal law has prompted concerns of constitutionality by advocacy groups, particularly from the ACLU, AILA, and MALDEF organizations. Other states' laws have been struck down in four courts for including federal law in state statute regarding undocumented immigrants.	
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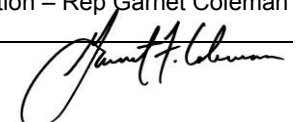
LSG Floor Report For General State Calendar – Wednesday, March 18, 2015

HB 437 Rep. Raney, et al.	Relating to eligibility to participate in health benefit programs for certain state employees reemployed after military service.	Defense & Veterans Affairs	Currently, veterans who leave their employment with a state or university system for military deployment must wait 90 days upon returning to work to become eligible for health insurance benefits. HB 437 eliminates this waiting period and allows any state or state university system employee, covered under the State University Employees Uniform Insurance Benefits Act or the Texas Employees Group Benefits Act, to immediately have their benefits restored upon reemployment following military service. This bill will help reduce gaps in health care benefits for veterans and their families while reintegrating back into civilian life.	Favorable Evaluated by: Cathryn Taub 512-763-0031 Cathryn@texaslsg.org
HB 834 By Rep. Hernandez	Relating to the criteria for issuing a silver alert for a missing senior citizen.	Homeland Security & Public Safety	HB 834 brings the Texas Silver Alert System up to national and regional standards. This bill would ensure that valuable time is saved when an elder goes missing by eliminating the requirement that law enforcement must determine if the elder has Texas residency before issuing the alert. The elder population is a vulnerable one. Missing elders often have Alzheimer's or other forms of dementia which puts them at great risk if they are missing. By eliminating the residency requirement, law enforcement can make finding the missing individuals and bringing them home a priority no matter where they reside.	Favorable Evaluated by: Paige Reitz 512-763-0031 Paige@texaslsg.org

HB 11 Amendment Analysis – Thursday, March 18, 2015

Author	Analysis	Recommendation
Rep. Bonnen, D. P.2 840043	This amendment replaces the word "information" with "intelligence" when describing the intelligence gathered by Texas Transnational Intelligence Center and removes subsections containing no language.	Favorable
Rep. Bonnen, D. P.3 840070	This amendment extends the work week for commissioned officers along the border from 40 hours a week to 50, and may implement a 10 hour work day.	<u>Will of the House</u>

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<p>Rep. Bonnen, D. P.4 840081</p>	<p>This amendment replaces the word “transported” with “smuggled” when describing an individual whose smuggler is granted affirmative defense if they are blood related or has a second-degree affinity to the individual being smuggled.</p>	<p><u>Favorable</u></p>
<p>Rep. Muñoz P.5 840065</p>	<p>This amendment requires DPS to biannually report to the legislature improvements made to its information technology system. If DPS contracts with a private contractor to make these improvements during the six months covered in the report, the total amount paid to the contractor over this period and a statement explaining why the department could not perform the services internally must be included within the report.</p>	<p><u>Favorable</u></p>
<p>Rep. Fallon P.6 840091</p>	<p>The amendment will add contacting requirements to the technology section of the bill, providing oversight to make sure contracts are approved by the commission and properly maintained, keeping track of delivery time, record keeping, and damages assessed or collected while under contract.</p>	<p><u>Favorable</u></p>
<p>Rep. Tinderholt P.8 840113</p>	<p>This Amendment requires the department to identify and implement any additional detection and reporting technologies necessary to improve the department’s ability to perform its functions by December 31, 2016.</p>	<p><u>Will of the House</u></p>
<p>Rep. Muñoz P.9 840066</p>	<p>This amendment requires DPS to submit a report to specified officials every six months detailing its activities related to border security. The report must include information on its technology policy, the hiring of officers, assistance at international border checkpoints, costs of providing security along border, and the number of investigations, arrests, prosecutions and traffic violations related to providing security along the border.</p>	<p><u>Favorable</u></p>
<p>Rep. Rodriguez, E. P.10 840055</p>	<p>This amendment requires DPS to submit an annual report of its expenses relating to the security provided on the state’s international border to the Border Security Council and the LBB. The report will include DPS’s border security goals, the amount budgeted and spent to achieve each goal, outcome of activities implemented to achieve the goal, and a description of all contracts and procurements required to achieve the goal.</p>	<p><u>Favorable</u></p>
<p>Rep. Farias P.11 840060</p>	<p>This amendment adds the requirement that a retired or previously commissioned officer of DPS must have retired or resigned in good standing to be a member of the Reserve Officer Corps.</p>	<p><u>Favorable</u></p>

<p>Rep. Muñoz P.12 840072</p>	<p>This amendment adds that the public safety commission, in addition to the DPS director, must be in charge of the appointment of retired or previously commissioned officers to the Reserve Officer Corps.</p> <p>This amendment requires that the DPS director determine what duties the reserve officer corps members may perform, in addition to conducting background investigations. The reserve officer corps members may not perform any duties other than those authorized. It also mandates that the director may not call the corps into service unless the director determines the existing personnel are unable to perform their required function.</p>	<p><u>Favorable</u></p>
<p>Rep. Gutierrez P.13 840041</p>	<p>This amendment designates the parameters for the occasion and duration that a director may use the services of the reserve officer corps in counties adjacent to the Texas-Mexico border and the process for reporting the extension of services.</p>	<p><u>Favorable</u></p>
<p>Rep. Stickland P.14 840085</p>	<p>This amendment replaces the word “investigate” with the phrase “conduct a study concerning the” feasibility of assisting federal authorities at international border checkpoints entering the United Mexican States.</p>	<p><u>Will of the House</u></p>
<p>Rep. Muñoz P.15 840067</p>	<p>This amendment allows local law enforcement to provide assistance in the interdiction of contraband with federal authorities and share the cost of staffing international border checkpoints. The amendment also allows law enforcement to adopt procedures as necessary to administer this section.</p>	<p><u>Favorable</u></p>
<p>Rep. Guillen P.16 840101</p>	<p>This amendment stipulates that DPS may only provide assistance at a checkpoint that is located within a federally designated border crossing facility or at a checkpoint designed to stop traffic exiting this state and entering Mexico.</p> <p>A peace officer employed by DPS may not inspect a vehicle unless an officer has reasonable suspicion or probable cause to believe that a passenger has committed an offense in furtherance of human trafficking, forced labor, money laundering or laundering of monetary instruments, firearm or bulk cash smuggling, smuggling of goods from the United States, or other unlawful acts as set forth in the US Constitution. DPS must establish protocol for interactions between drivers and peace officers at the checkpoint to ensure that any intrusion on the driver is minimized.</p> <p>Subject to approval by the governor, the attorney general shall enter into an agreement with the US Office of the Attorney General or other appropriate federal agency if deemed necessary to carry out border checkpoint assistance.</p> <p>A law enforcement agency may privately contract for goods or services for the establishment or operation of a checkpoint, or as needed to perform inspections.</p>	<p><u>Favorable</u></p>
<p>Rep. Simpson P.18 840089</p>	<p>This amendment eliminates the ability of DPS to share staffing costs with the federal authorities at international border checkpoints and disallows the department from assisting federal authorities without further action from the legislature.</p>	<p><u>Will of the House</u></p>

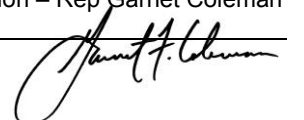
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<p>Rep. Farias P.19 840062</p>	<p>This amendment requires DPS to submit a quarterly report to the attorney general regarding assistance provided on the international border. This report must include a description of all contraband seized and any related criminal charges.</p> <p>This amendment also prohibits any state law enforcement agency or a political subdivision from entering into a sharing agreement with federal law enforcement regarding international border security assistance or from accepting any proceeds of a federal asset forfeiture proceeding.</p> <p>Under current law, forfeited property shall be administered by the attorney representing the state to the law enforcement agency or to the attorney under a local agreement. The amendment requires that proceeds of the sale of seized property, instead, be deposited to general revenue. However, these proceeds are first subject to deduction – first to the interest holder in the form of nonforfeitable interest, and second, to any Title IV-D agency if child support arrearages are owed by the original property owner.</p> <p>This amendment clarifies that the burden of proof is on the state and not on the owner or interest holder of a property in question when pertaining to the forfeiture of contraband.</p>	<p><u>Favorable</u></p>
<p>Rep. Muñoz P.20 840071</p>	<p>This amendment requires that DPS forces provided along the international border must be assigned in an equal and uniform manner and the Public Safety Director shall adopt procedures as necessary to administer this section with the approval of the commission.</p>	<p><u>Will of the House</u></p>
<p>Rep. Guillen P.21 840100</p>	<p>This amendment requires that DPS forces provided along the international border must be randomly assigned in an equal and uniform manner.</p>	<p><u>Will of the House</u></p>
<p>Rep. Oliveira P.22 840092</p>	<p>This amendment requires DPS to investigate the feasibility of using intelligent transportation system technology in border counties to monitor border checkpoints, bridges, ports of entry, and transportation systems for the purpose of aiding federal authorities in the prevention of unlawful activity at the border.</p> <p>The bill is amended to require that the Texas Transnational Intelligence Center 1) serve as a repository of real-time information regarding criminal activities for counties served by the center, 2) provide necessary functions related to crime and emergency operations, 3) provide a means of effective communication for first responders in all collaborating state and federal agencies, and 4) expand the intelligent transportation system and network infrastructure by upgrading to fiber-optic networks.</p> <p>DPS is required to assist the designated county sheriff’s office and municipal police department in establishing and operating the Texas Transnational Intelligence Center.</p>	<p><u>Favorable</u></p>
<p>Rep. Moody P.25 840068</p>	<p>This amendment requires the LBB to conduct a fiscal impact study on each law enforcement agency required to implement an incident-based reporting system that meets the requirements of the National Incident-Based Reporting System. The LBB will submit a report of the results to the governor, lieutenant governor, and speaker no later than December 31, 2016.</p>	<p><u>Favorable</u></p>

<p>Rep. Blanco P.26 840084</p>	<p>This amendment requires the Texas Transnational Intelligence Center to operate as a central repository of real-time information relating to criminal activity in all Texas counties, as opposed to counties on the Texas-Mexico Border. Additionally, this amendment requires, all law enforcement agencies, including Texas Alcoholic Beverage Commission and Parks and Wildlife Department, to report information of criminal activity under their jurisdictions.</p>	<p><u>Favorable</u></p>
<p>Rep. Walle P.27 840098</p>	<p>This amendment requires DPS to use competitive bidding; receive prior approval from the comptroller; and follow all other applicable state and federal contracting rules when entering a contract that exceeds \$5,000. This includes contracts entered into for emergency purchases, purchasing of information technology commodity items, and a multiple award contract schedule.</p>	<p><u>Favorable</u></p>
<p>Rep. Stickland P.28 840093</p>	<p>This amendment stipulates that the Texas Transnational Intelligence Center shall comply with the same rules as the Texas Fusion Center and other Fusion Centers operating in this state.</p>	<p><u>Will of the House</u></p>
<p>Rep. Simpson P.29 840121</p>	<p>This amendment states that the Texas Transnational Intelligence Center may not review, collect, or maintain either noncriminal information about the activities of any entity, or protected health or personally identifiable information, unless there is probable cause that the subject may be involved in criminal activity.</p>	<p><u>Favorable</u></p>
<p>Rep. Lozano P.30 840083</p>	<p>This amendment removes the pecuniary intent requirement for smuggling when transporting a person with intent to conceal or flee from a peace officer or special investigator.</p>	<p><u>Unfavorable</u></p>
<p>Rep. Walle P.31 840102</p>	<p>This amendment narrows the definition of the smuggling of persons offense to include those who seek a monetary gain by transporting individuals in all means of conveyance; concealing said individual from law enforcement officers; or fleeing from an actor known to be a law enforcement officer in the act of making a lawful arrest or detainment of said individual.</p>	<p><u>Favorable</u></p>
<p>Rep. Walle P.32 840122</p>	<p>This amendment specifies that in order to have committed a smuggling offense under this statute, there must be a pecuniary benefit of at least \$500.</p>	<p><u>Favorable</u></p>

<p>Rep. Walle P.33 840123</p>	<p>This amendment adds that the offense of human smuggling is defined by the smuggler’s pursuance to organized criminal activity. The current bill only defines a human smuggler as an individual who gains pecuniary benefit from said action.</p>	<p><u>Favorable</u></p>
<p>Rep. Walle P.34 840124</p>	<p>This amendment removes the mention of federal law to maintain this statute’s constitutionality.</p>	<p><u>Favorable</u></p>
<p>Rep. Lozano P.35 840082</p>	<p>This amendment makes assisting, guiding, or directing three or more individuals to enter or remain on agricultural land without the effective consent of the owner a smuggling offense.</p>	<p><u>Unfavorable</u></p>
<p>Rep. Walle P.36 840099</p>	<p>This amendment stipulates that only an authorized federal agency is able to determine whether or not an individual’s presence in this country violates federal law.</p>	<p><u>Favorable</u></p>
<p>Rep. Farias P.37 840061</p>	<p>This amendment allows refugee status, as determined by the US attorney general, to be used as a defense for individuals who were encouraged or induced to enter or remain in this country.</p>	<p><u>Favorable</u></p>
<p>Rep. Tinderholt P.38 840112</p>	<p>This amendment removes the 30-day duration to have committed the act of continuous smuggling.</p>	<p><u>Unfavorable</u></p>
<p>Rep. Martinez Fischer P.39 840087</p>	<p>This amendment establishes a Border Operations Legislative Oversight Committee. The committee is comprised of members of the senate and house and a public member appointed by the governor. The committee acts as a general investigating committee with similar power and duties, and also has access to confidential and law enforcement sensitive information. The committee will commit investigating acts along the border such as monitoring, reporting, operating, etc.</p> <p>The department, the Parks and Wildlife Department, and the Texas military forces will submit monthly reports to the committee detailing the status, progress and spending of law enforcement operations, activities, programs, and investigations along the border. The Department, the Parks and Wildlife Department, and the Texas military forces will brief the committee in person at the request of the committee and respond to any committee request for reports or other information.</p>	<p><u>Favorable</u></p>



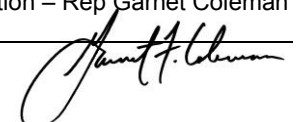
<p>Rep. González P.43 840125</p>	<p>This amendment requires that DPS establish a Texas Border Operations Oversight Task Force, describes how its members will be appointed and elected, and establishes term length, member qualifications, scheduled meetings & compensation. The amendment designates duties for the task force including but not limited to, evaluating policies, strategies, programs, and trainings with the goal of protecting due process, human and civil rights, preventing migrant death & improving safety. The amendment details the task force’s powers, including holding hearings, taking testimony, administering oath, and lists the requirements and circumstances that must be met for the task force to issue a subpoena. The task force will annually submit a publically available report on activities, findings & recommendations for the preceding year.</p> <p>This amendment also establishes the Office of the Ombudsman for Border Operations-Related Concerns to be located within DPS. The DPS Inspector General must appoint four ombudsman for border-operations-related concerns to be spread out in four different cities across the border. Ombudsmen selected must be knowledgeable of civil and human rights law and must be in charge of receiving, addressing, and resolving border-related complaints within DPS, identifying problem areas, referring complaints to the OIG (or DPS Chain of Command in minor cases), and requesting that OIG conduct investigations. The Ombudsman must also issue a biannual report detailing complaints received and an annual report detailing all objectives and activities conducted, and an analysis of and recommendations for services.</p> <p>This amendment specifies training for Department officers and any Texas military forces stationed at the border to be annually certified regarding appropriate training, including academy and in-service training of specified courses relating to human rights framework. Training must involve instructors from the border, immigrant communities, and the department. At least one month before, these training materials should be made publically available and will be subject to public feedback and suggestion. The department must make and implement a publically available plan on the training and requirements. The department must annually report to the legislature on the plan and its implementation using specific benchmarks.</p> <p>This amendment requires the Director to collect statistics that relate to DPS border-related law enforcement activity. These statistics will be made in a summarized report available to the public every year and will specifically be given to members of the legislature involved with homeland security.</p> <p>This amendment takes a pivotal step towards creating oversight and accountability for border security operations. These measures will ensure a safer environment for border residents, visitors, and law enforcement officials.</p>	<p><u>Favorable</u></p>
<p>Rep. Walle P.55 840103</p>	<p>This amendment requires a district or county court to report the number of cases regarding the unlawful transport and continuous smuggling of persons to the office of Court Administration of the Texas Judicial System.</p>	<p><u>Favorable</u></p>
<p>Rep. Turner, C. P.56 840104</p>	<p>This amendment requires that DPS, with the assistance of the Border Security Council, develop a definition for the term “border security” for use in state law. DPS must recommend its developed border security definition to the 85th legislature for its consideration.</p>	<p><u>Favorable</u></p>
<p>Rep. Fletcher P.57 840058</p>	<p>This amendment requires that specified agencies must report to the LBB twice each state fiscal year the amount of money budgeted and spent on border security, the agency’s performance related to border security during the reporting period, finance methods, objects of expense, and salaries for duties related to border security. The first half of these reports must be submitted by February 28 and the second half by September 30.</p>	<p><u>Favorable</u></p>

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<p>Rep. Rodriguez, E. P.61 840059</p>	<p>This amendment expands the duties of the Cybersecurity, Education, and Economic Council to include the improvement of the transnational security operations infrastructure. The amendment also specifies that the Cybersecurity, Education, and Economic Council may request assistance from the DPS to carry out its duties.</p>	<p><u>Favorable</u></p>
<p>Rep. Martinez Fischer P.63 840095</p>	<p>This amendment directs DPS to provide law enforcement assistance to sheriff's offices in a border county pursuant to a formal request from the commissioner's court of that county.</p>	<p><u>Favorable</u></p>
<p>Rep. Martinez Fischer P.64 840094</p>	<p>This amendment stipulates that DPS, reimburse the sheriff's department the lesser of \$25,000 or training costs, upon hiring a commissioned officer who was employed as a sheriff's department deputy in a border county immediately prior.</p>	<p><u>Favorable</u></p>
<p>Rep. Rodriguez, E. P.65 840090</p>	<p>This amendment requires the comptroller of public accounts to transfer an amount from the economic stabilization fund equal to the costs of implementation of HB 11 to general revenue. HB 11 takes effect only if it receives two-thirds vote of members present in each house, as would be required by the Texas Constitution for any use of the economic stabilization fund.</p>	<p><u>Favorable</u></p>
<p>Rep. Walle P.66 840097</p>	<p>This amendment authorizes the legislature to draw on the economic stabilization fund to facilitate stabilization efforts along the border. The comptroller shall estimate the cost to the state for providing additional security, education, housing, medical care, and social services to individuals who have recently entered the state along the border for the two year period beginning September 1, 2015. The comptroller shall then transfer that amount from the economic stabilization fund to the general revenue fund to cover said costs.</p>	<p><u>Favorable</u></p>
<p>Rep. Schaefer P.67 840069</p>	<p>This amendment revises statute pertaining to the forfeiture of contraband, clarifying that the burden of proof during a forfeiture hearing is on the state and not on the owner or interest holder of a property in question.</p>	<p><u>Will of the House</u></p>
<p>Rep. Keffer P.71 840042</p>	<p>This amendment defines rural border counties. The amendment also mandates that the Department conduct assessment to determine appropriate workforce levels in each rural border county to deter smuggling and criminal activity, and the effects of drug smuggling on other rural counties in Texas. In addition, the amendment directs the Department to develop and implement a plan to assign the appropriate number of commissioned officers to each rural border county based on the results of the assessment.</p>	<p><u>Favorable</u></p>

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<p>Rep. Farias P.72 840063</p>	<p>This amendment mandates that DPS will accept a trooper trainee academy applicant if the applicant has served at least 4 years in the U.S. armed forces as military police, or other security force and received an honorable discharge, and meets all other Department requirements for a commissioned officer.</p>	<p><u>Favorable</u></p>
<p>Rep. Fletcher P.73 840057</p>	<p>This amendment will require the Texas Commission on Law Enforcement to procure funding, either from state or federal sources, to assist local law enforcement agencies to provide training to veterans wanting to become officers.</p>	<p><u>Will of the House</u></p>
<p>Rep. Farias P.74 840064</p>	<p>This amendment prohibits DPS from requiring an officer to live closer than 75 miles from his or her assigned office. Roads in the border region can be sparse, and a straight line of 75 miles may mean many more miles on a paved road. If officers are already working 10 or more hours a day (with overtime), requiring a trip of more than 75 miles will keep the officer away from their family even longer than before; however, it can also give officers more flexibility with where they live and work in rural areas.</p>	<p><u>Favorable</u></p>
<p>Rep. Rodriguez, E. P.75 840056</p>	<p>This amendment requires commissioned officers to complete sensitivity training before beginning their deployment in the border region. The class must be a minimum of 10 hours, and include specified training related to ethics, sociocultural, and human rights framework.</p>	<p><u>Favorable</u></p>
<p>Rep. Farias P.76 840088</p>	<p>This amendment directs DPS to establish a procedure to reimburse officers who are relocated to another assignment within one year of their first transfer to the border region.</p>	<p><u>Favorable</u></p>
<p>Rep. Rodriguez, E. P.77 840086</p>	<p>This amendment requires that all DPS officers assigned to a border county must be fluent in both English and Spanish.</p>	<p><u>Favorable</u></p>
<p>Rep. Walle P.78 840096</p>	<p>This amendment requires that all DPS officers assigned to a border county must be fluent in both English and Spanish.</p>	<p><u>Favorable</u></p>

<p>Rep. Stickland P.79 840111</p>	<p>To the extent allowed by law, this amendment grants the governor the authority to appoint state law officials to enforce immigration provisions and the authority to allow them to enforce other federal laws. The governor is required to report annually to the legislature on this delegation of duties. There are concerns of the constitutionality of local and state law officials enforcing federal law.</p>	<p><u>Unfavorable</u></p>
<p>Rep. Canales P.80 840054</p>	<p>This amendment requires DPS to use competitive bidding, when making formal or informal emergency purchases over \$100,000, notwithstanding any other law.</p>	<p><u>Favorable</u></p>

