



# Texas Legislative Study Group

*An Official Caucus of the Texas House of Representatives*

## LSG Analysis for HB 2

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**Committee:** State Affairs — 8 Ayes, 3 Nays, 0 PNV, 2 Absent

### Recommendation: Unfavorable

HB 2 is nearly identical to the engrossed version of HB 800 from the 88th Regular Session. The LSG rated HB 800 Unfavorable on 2nd Reading. One amendment was adopted on the House floor, and HB 800 was passed on the 3rd Reading with 94 Yeas, 52 Nays, 2 Present, not voting.

HB 2 changes penalties for certain criminal conduct related to human smuggling, stash houses, and evading arrest or detention. It establishes a 15-year mandatory minimum term of imprisonment for some offenses and increases the punishment for certain offenses to the next higher category if committed in a disaster area. It also enhances the penalty for some offenses if committed while smuggling someone or evading arrest or detention. The penalty for the operation of a stash house is increased to a third degree felony with a 10-year mandatory minimum term of imprisonment and can be increased to a second degree felony under certain conditions. The punishment for arson, criminal mischief, reckless damage or destruction of property, interference with railroad property, and graffiti is also increased to a third degree felony if committed in the course of smuggling persons or evading arrest or detention. Lastly, the bill establishes a reduced minimum mandatory for certain circumstances where the actor has provided “significant cooperation” to the state or law enforcement.

While targeting human smuggling is an understandable goal, HB 2 could subject more than 5,200 Texans to 10-year mandatory minimum offenses annually at enormous cost to taxpayers. The offense of smuggling of persons is extremely broad because of changes made by the legislature in 2021. For example, church vans with tinted windows could be deemed to be “concealing” a person with the driver subject to a mandatory minimum. HB 2 further penalizes these broad offenses.

HB 2 also ignores that many undocumented people in Texas are part of families with different immigration statuses. The provisions of HB 2 create a dynamic in which some penalties are increased to felonies involving crimes that do not pose a danger to individuals or businesses. These penalties could stay with an individual for a lifetime. Felony enhancements such as the ones proposed in HB 2 have detrimental effects on the lives of those contending with this sort of criminalization, ranging from job loss, barriers to education, and inability to obtain housing, to deportation. Regarding immigration cases, felonies such as the ones proposed in the bill can render someone inadmissible to the country. Mandatory minimums are proven to worsen outcomes within marginalized communities and are ineffective at reducing crime. Additionally, the bill ignores the confluence of policies at the state and federal level that make it exponentially more difficult to enter through designated ports of entry which increases the demand for smuggling as people seek safety, shelter, and opportunity.

If an amendment is offered to exempt or reduce sentences for an individual charged with smuggling if that individual can prove they are related to the smuggled person, that amendment would be Favorable. However, even with that amendment, the LSG is still Unfavorable on the overall bill.