

1-1 By: Lucio S.B. No. 1853  
1-2 (In the Senate - Filed March 13, 2015; March 25, 2015, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 20, 2015, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 20, 2015,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Burton	X		
1-12	Creighton	X		
1-13	Hinojosa	X		
1-14	Menéndez	X		
1-15	Perry	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1853 By: Hinojosa

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to authorizing the Department of Public Safety of the  
1-20 State of Texas to establish a statewide program for the prevention  
1-21 and detection of certain criminal offenses.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter A, Chapter 411, Government Code, is  
1-24 amended by adding Section 411.0208 to read as follows:

1-25 Sec. 411.0208. STATEWIDE PROGRAM FOR THE PREVENTION AND  
1-26 DETECTION OF CERTAIN CRIMINAL OFFENSES. (a) The department may  
1-27 establish a program throughout this state for preventing and  
1-28 detecting:

1-29 (1) the unlawful possession or the unlawful and  
1-30 imminent movement or transfer between this state and an adjacent  
1-31 state or the United Mexican States of:

1-32 (A) firearms, in violation of Section 46.14,  
1-33 Penal Code;

1-34 (B) controlled substances, in violation of  
1-35 Chapter 481, Health and Safety Code; or

1-36 (C) currency, in violation of Section 34.02,  
1-37 Penal Code; and

1-38 (2) the commission or imminent commission of the  
1-39 offenses of smuggling of persons under Section 20.05, Penal Code,  
1-40 and trafficking of persons under Section 20A.02, Penal Code,  
1-41 occurring in this state or involving travel between this state and  
1-42 an adjacent state or the United Mexican States.

1-43 (b) A peace officer participating in a program established  
1-44 under this section must have probable cause to believe that  
1-45 firearms, controlled substances, or currency are unlawfully  
1-46 possessed or being unlawfully and imminently moved or transferred  
1-47 between this state and an adjacent state or the United Mexican  
1-48 States or that an offense described by Subsection (a)(2) has been  
1-49 committed or imminently will be committed, as applicable, before  
1-50 exercising the officer's authority under the program, including  
1-51 stopping a person or vehicle or coming into contact with a person.

1-52 (c) In developing the program, the department shall  
1-53 establish:

1-54 (1) clear guidelines and procedures to mitigate any  
1-55 unnecessary negative impact on the flow of trade, commerce, or  
1-56 daily business activities in locations where the program is  
1-57 implemented; and

1-58 (2) protocols, standards, and guidelines to minimize  
1-59 any intrusion on a person in an encounter with a peace officer  
1-60 exercising the officer's authority under the program.

