

SENATE BILL 4 88(3)

88 (3) Senate Bill 4: “Family ‘smuggler’ Bill”

SB 4 from the third special session, 88(3), was signed into law by Governor Abbott, and will become effective **February 6, 2024**.

- SB 4 increases mandatory minimum sentences and penalties for “smuggling” immigrants or “operating a stash house.”

Key Points:

- 1 SB 4 imposes a 10-year mandatory minimum sentence for the crimes of “smuggling” and “continuous smuggling,” and enhances these offenses to a third-degree felony if committed while operating a “stash house.”
- 2 The minimum sentence can be lowered to a 5-year, third-degree felony if the person committing the offense is related to the “smuggled” individual within the third degree of affinity or consanguinity; or, if the actor provides “significant cooperation to the state or law enforcement.”
- 3 Currently, the operation of a “stash house” can carry a one-year misdemeanor sentence. SB 4 increases this to a 5-year, third-degree felony if, while operating a stash house, the property is used for smuggling, trafficking, compelling prostitution, or if an individual on the property became a victim of sexual assault, serious bodily injury, or death.

Implications

- 1 Texas’ laws on ‘smuggling’ are broad and could affect innocent Texans. Individual police officers have a lot of leeway in how they interpret and enforce these laws.
- 2 The broad definition of ‘smuggling’ could target innocent individuals driving undocumented family members to church, or giving undocumented friends a ride to the grocery store.
- 3 There is little evidence that these mandatory minimums will deter crime, but they remove a judge’s discretion to consider mitigating factors while sentencing a case.



(your signature)

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County of _____

This document was acknowledged before me on _____(date) by

(name of principal)

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(Seal, if any, of notary)

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My commission expires: _____