



Senator Eliot Shapleigh

District 29

El Paso Press Release

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ANTI-CARTEL CRIME BILL REVIVED AS AMENDMENT ON SENATE FLOOR

"SB 11 was the omnibus bill to help us beat violent cartels.

Today, we put the bill back on track."

AUSTIN - Today, the Texas Senate revived a bill [coauthored by Senator Eliot Shapleigh](#) (D- El Paso) that is designed to curb gang activity in Texas and stop violent transnational drug cartels.

[S.B. 11](#), authored by Senator John Carona (R-Dallas), passed the Texas Senate on April 24 and then the House Committee on Criminal Jurisprudence on April 29, but has recently stalled on the House calendar. Today on the Senate floor, Carona offered [S.B. 11](#) as an amendment to [H.B. 2086](#), a bill by Representative Joseph Moody (D- District 78, El Paso) that expands what constitutes engaging in organized criminal activity.

"SB 11 was the omnibus bill to help us beat violent cartels. Today, we put the bill back on track," Senator Shapleigh said.

The amendment would help transform DPS, granting them new tools to identify, arrest and prosecute cartel leaders. The bill, as offered on the floor would include the following provisions:

- Members of a criminal street gang would be made liable for monetary damages they inflict on a city or neighborhood. Civil suit may be brought by a district, city, or county attorney or the attorney general. Damages may include actual damages, exemplary damages, court costs and attorney's fees;
- The bill raises the cap on penalties that a prosecutor can recover against a person who violates a gang injunction from \$10,000 to \$100,000;
- Persons convicted of a gang offense would have their driver's licenses suspended for one year;
- A judge would have the discretion to require persons convicted of multiple gang-related offenses serve consecutive sentences;
- Where a person over the age of 21 creates an illegal or false ID, that person cannot use the defense of writing "not a government document" on the ID;

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- Expands the criteria under which offenders may be added to the State's Gang Database to include the use of the internet to identify one's self as a gang member or to recruit new membership;
- Mandates that an annual Gang Report be produced by the Texas Fusion Center and provided to the Governor. This report would include an evaluation of the threat of criminal street gangs and recommendations to prevent human trafficking, reducing gang violence, preventing the growth of gangs, and ensuring law enforcement training;
- Allows judges the power to prohibit persons on probation from having contact with "any person convicted of an offense involving or furthering criminal street gang activity;"
- Allows for a wiretap to effectively attach to a person rather than a specific phone or device where a standard wiretap is impractical. This is focused on the use of cell phones by organized crime. Under current law, when a suspected gang member switches from phone to phone, law enforcement must apply for new wiretaps each time;
- Creates a new offense for firearm smuggling if the person intentionally or knowingly possesses transports or transfers a firearm in violation of the law. The penalty for this offense is a third degree felony unless committed with respect to three or more firearms, which causes the penalty to be increased to a second degree felony. Either of these penalties is increased to the next highest level of penalty if the offender was acting for profit;
- Creates a law enforcement integrity unit to be placed within the Texas Rangers to investigate law enforcement corruption by criminal street gangs and organized crime. The unit will assist Federal agencies, state and local agencies, and district and county attorneys in investigations and prosecutions;
- Gang members would be registered on a database, like sex offenders. Offenders must register themselves annually for ten years or more frequently if deemed necessary by DPS. Upon third conviction of a gang-related felony, a judge would have the discretion to require the offender to wear an ankle monitoring device if placed on probation or parole;
- Makes the penalty for a gang member directing minors to commit crimes equal to the penalty for the crime committed if done in furtherance of gang activity;
- Makes it a state jail felony to threaten a family member of a child who is being solicited to participate in gang activities;
- Makes it a state jail felony for a member of a criminal street gang to intimidate, harass, or threaten another person;
- Juveniles who have participated in gang-related conduct would be required to participate in a gang intervention program; and
- Creates "Gang-Free Zones," within which penalties for gang-related offenses increase by one increment. These "gang-free zones" include:
 - areas within 1,000 ft off school property;
 - areas within 1,000 ft of higher education property;
 - areas within 1,000 ft of youth centers;
 - areas within 1,000 ft of playgrounds;
 - areas within 300 ft of public pools or video arcades;
 - areas within 1,000 ft of movie theaters or shopping malls; and
 - school buses

This bill is an important step in combating violent transnational gangs.

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In the United States today, there are at least nine well established gangs engaged in criminal enterprise with Mexican cartels, working from inside prisons, with operators in the streets and links with local and border police who facilitate their drug trafficking.

The criminal activities of these organizations, which operate inside and outside Texas' prisons, include drug trafficking, extortion, kidnappings, sexual assault and murder. In El Paso, there is a direct link between the drug cartels and the gangs, especially the one known as "Barrio Azteca."

Generally, these regional gangs include hundreds or thousands of members, and keep a connection with organized crime networks operating across the nation. Further, Mexican drug trafficking organizations from the "Zetas" in the Brownsville area, to "La Linea" in Ciudad Juarez, are working increasingly with U.S.-based gangs. According to the annual National Drug Threat Assessment by the National Drug Intelligence Center, Mexican drug trafficking organizations represent the greatest organized crime threat to the United States.

Mexican gangs control distribution in most U.S. cities and are gaining strength in areas they do not yet control. Mexican gangs maintain cross-border communication centers near the U.S. border to coordinate smuggling and continue to increase their connections to U.S.-based crime organizations, including street and prison gangs.

Changes to [H.B. 2086](#), including the [S.B. 11](#) amendment will need to be agreed upon by both the House and Senate before being sent to the Governor and signed into law.

-End-

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