Texas Immigration LAW COUNCIL

FAQ
SB 4 (Mandatory Minimums)

Is SB 4 (88-3) in effect and what is it?

A. SB4 is a law that creates a mandatory minimum of 10 years in prison (or 15 years in prison if in a disaster zone) for those charged with human smuggling and it is in effect.

How could this law apply to me?

A. If you are driving an undocumented friend, coworkers, or family member past the second degree of affinity, you can be arrested and face a mandatory minimum prison sentence of 5 years (if within third degree of affinity), 10 years, or 15 years (if in a disaster zone) in prison for human smuggling.

What is the third degree of affinity?

a. If you are transporting individuals within the first two degrees of affinity, you have an affirmative defense against SB 4 prosecution. Those within the first and second degree of affinity: spouses, children, parents, siblings, and grandparents.

b. For family within your third degree of affinity such as your great-grandparents, uncles, aunts, nieces or nephews, the mandatory minimum is 5 years in prison.

What is an affirmative defense and when can I present it?

A. An affirmative defense can only be presented at trial. This means that you may still be arrested and forced to wait in jail if you cannot bond out until you can present your defense at a trial.

What should I do to protect myself and my loved ones?

A. Do not answer any questions about your status or the immigration status of your passengers without an attorney present. Invoke your 5th Amendment right to remain silent by saying: “I want to invoke my 5th Amendment right to remain silent and want to speak with a lawyer.”

For more information visit TXILC.org or email info@txilc.org