

By: Dean

H.B. No. 2280

A BILL TO BE ENTITLED

AN ACT

relating to the duties of a law enforcement agency regarding the immigration status of an arrested person and to the agency's enforcement of immigration detainers and of laws relating to immigration.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.251, 2.252, and 2.253 to read as follows:

Art. 2.251. DUTIES RELATED TO ARRESTED PERSON. (a) Not later than 48 hours after a person is arrested and before the person is released on bond, a law enforcement agency performing the booking process shall:

(1) review any information available under the federal Priority Enforcement Program operated by United States Immigration and Customs Enforcement or a successor program; or

(2) request information regarding the person's immigration status from:

(A) a peace officer or other law enforcement officer of this state who is authorized under federal law to verify a person's immigration status; or

(B) a federal immigration officer, in accordance with 8 U.S.C. Section 1373(c).

(b) A law enforcement agency is not required to perform the

1 duties imposed by Subsection (a) with respect to a person who is
2 transferred to the custody of the agency by another law enforcement
3 agency if the transferring agency performed those duties before
4 transferring custody of the person.

5 Art. 2.252. DUTIES RELATED TO IMMIGRATION DETAINER. A law
6 enforcement agency that has custody of a person subject to an
7 immigration detainer issued by United States Immigration and
8 Customs Enforcement shall:

9 (1) provide to the judge or magistrate authorized to
10 grant or deny the person's release on bail under Chapter 17 notice
11 that the person is subject to an immigration detainer; and

12 (2) detain the person as required by the immigration
13 detainer.

14 Art. 2.253. DISCRIMINATION PROHIBITED. A law enforcement
15 agency or a person employed by or otherwise under the direction or
16 control of the agency may not consider race, color, language, or
17 national origin while enforcing immigration laws except to the
18 extent permitted by the United States Constitution or Texas
19 Constitution.

20 SECTION 2. This Act takes effect September 1, 2017.