

By: Estes

S.B. No. 619

A BILL TO BE ENTITLED

AN ACT

relating to county and municipal cooperation with state and federal immigration law enforcement and efforts to enhance international border security.

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

SECTION 1. Subtitle C, Title 11, Local Government Code, is amended by adding Chapter 364 to read as follows:

CHAPTER 364. STATE AND FEDERAL IMMIGRATION LAW ENFORCEMENT AND
ENHANCEMENT OF INTERNATIONAL BORDER SECURITY

Sec. 364.001. DEFINITIONS. In this chapter:

(1) "Immigration detainer request" means a United States Department of Homeland Security Form I-247 or a similar or successor form that requests a local entity to maintain temporary custody of an alien for the federal government.

(2) "Immigration laws" means the laws of this state or federal law relating to immigrants or immigration, including the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.).

Sec. 364.002. IMMIGRATION AND BORDER SECURITY ORDER OR ORDINANCE REQUIRED; COMPTROLLER DATABASE. (a) The commissioners court of each county and the governing body of each municipality in this state shall:

(1) adopt and enforce an order or ordinance, as appropriate, that requires the county or municipality to cooperate

1 with:

2 (A) state and federal law enforcement in
3 enforcing immigration laws; and

4 (B) for counties containing an international
5 border and municipalities located wholly or partly in those
6 counties, state and federal efforts to enhance international border
7 security; and

8 (2) submit a written copy of the order or ordinance to
9 the comptroller.

10 (b) The comptroller shall establish and maintain a database
11 of counties and municipalities that comply with this section.

12 Sec. 364.003. COMPLAINT; EQUITABLE RELIEF. (a) Any
13 person, including the federal government, may file a complaint with
14 the attorney general if the person offers evidence to support an
15 allegation that a county or municipality has failed to comply with
16 Section 364.002. The person must include with the complaint the
17 evidence the person has that supports the complaint.

18 (b) A county or municipality for which the attorney general
19 has received a complaint under Subsection (a) shall comply with a
20 document request, including a request for supporting documents,
21 from the attorney general related to the complaint.

22 (c) If the attorney general determines that a complaint
23 filed under Subsection (a) against a county or municipality is
24 valid, the attorney general shall, not later than the 10th day after
25 the date of the determination, provide written notification to the
26 county or municipality that:

27 (1) the complaint has been filed;

1 (2) the attorney general has determined that the
2 complaint is valid;

3 (3) the attorney general is authorized to file an
4 action to enjoin the violation if the county or municipality does
5 not come into compliance with the requirements of Section 364.002
6 on or before the 90th day after the date the notification is
7 provided; and

8 (4) the authority of the county or municipality to
9 impose a sales or use tax will be suspended as provided by Section
10 364.004 if the county or municipality is finally determined under
11 Subsection (e) to have failed to adopt, submit to the comptroller,
12 or enforce an order or ordinance required by Section 364.002.

13 (d) Not later than the 30th day after the day a county or
14 municipality receives written notification under Subsection (c),
15 the county or municipality shall provide the attorney general with
16 a copy of:

17 (1) the county's or municipality's written policies
18 related to immigration enforcement actions and international
19 border security efforts, if applicable;

20 (2) each immigration detainer request received by the
21 county or municipality from the United States Department of
22 Homeland Security; and

23 (3) each response sent by the county or municipality
24 for a detainer request described by Subdivision (2).

25 (e) If the attorney general determines that a complaint
26 filed under Subsection (a) against a county or municipality is
27 valid, the attorney general may file a petition for a writ of

mandamus or apply for other appropriate equitable relief in a district court in Travis County or in a county in which the principal office of the county or municipality is located to compel the county or municipality that fails to comply with Section 364.002 to comply with that section. The attorney general may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(f) An appeal of a suit brought under Subsection (e) is governed by the procedures for accelerated appeals in civil cases under the Texas Rules of Appellate Procedure. The appellate court shall render its final order or judgment with the least possible delay.

Sec. 364.004. SUSPENSION OF AUTHORITY TO IMPOSE SALES AND USE TAXES. (a) This section applies only to a county or municipality that is finally determined in an action filed under Section 364.003(e) to have failed to adopt, submit to the comptroller, or enforce an order or ordinance required by Section 364.002.

(b) Notwithstanding any other provision of law, the authority of a county or municipality to which this section applies to impose a sales or use tax under Chapter 321 or 323, Tax Code, as applicable, and any other sales or use tax the county or municipality is otherwise authorized to impose is suspended, and the tax may not be collected during the period prescribed by Subsection (c).

(c) A suspension under Subsection (b) of the authority to

1 impose a sales or use tax is for a period of one year beginning on
2 the first day of the first calendar quarter that begins after the
3 30th day after the date a court issues the order or judgment making
4 the final determination described by Subsection (a).

5 (d) Notwithstanding a suspension of the authority of a
6 county or municipality to impose a sales or use tax under this
7 section, the tax continues during the suspension period to be
8 considered as being imposed for purposes of determining the
9 combined rate of all sales and use taxes imposed by all political
10 subdivisions having territory in the county or municipality.

11 (e) The comptroller may adopt rules necessary to implement
12 this section, including rules for providing notice of a suspension
13 of taxing authority under this section to retailers engaged in
14 business in the affected county or municipality.

15 SECTION 2. (a) Not later than October 1, 2017, the
16 commissioners court of each county in this state and the governing
17 body of each municipality in this state shall adopt an order or
18 ordinance described by Section 364.002, Local Government Code, as
19 added by this Act.

20 (b) Not later than January 1, 2018, the commissioners court
21 of each county in this state and the governing body of each
22 municipality in this state shall submit to the comptroller of
23 public accounts a copy of the order or ordinance adopted under
24 Section 364.002, Local Government Code, as added by this Act.

25 (c) Not later than December 1, 2018, the comptroller of
26 public accounts shall submit a written report to the legislature on
27 the counties and municipalities that have failed to adopt an order

1 or ordinance under Section 364.002, Local Government Code, as added
2 by this Act.

3 SECTION 3. (a) Except as provided by Subsection (b), this
4 Act takes effect September 1, 2017.

5 (b) Section 364.003, Local Government Code, as added by this
6 Act, takes effect November 1, 2017.