

By: Slawson

H.B. No. 138

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the enforcement within this state of certain federal  
3 laws regarding immigration.

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

5 SECTION 1. Title 7, Government Code, is amended by adding  
6 Chapter 795 to read as follows:

7 CHAPTER 795. ENFORCEMENT OF CERTAIN FEDERAL LAWS RELATED TO  
8 IMMIGRATION

9 Sec. 795.001. DEFINITION. In this chapter, "state money"  
10 means money the legislature appropriates or money a state agency  
11 controls or directs.

12 Sec. 795.002. PROHIBITED ENFORCEMENT OF CERTAIN FEDERAL  
13 LAWS. Notwithstanding any other law, a state agency, a political  
14 subdivision, or a law enforcement officer or other person employed  
15 by a state agency or political subdivision may not enforce,  
16 contract to enforce, or provide assistance to a federal agency or  
17 official with respect to enforcing a federal statute, order, rule,  
18 or regulation that:

19 (1) requires an individual who has illegally crossed  
20 the Texas-Mexico border to remain in this state until the  
21 individual receives a final determination on:

22 (A) the individual's application for asylum or  
23 refugee status; or

24 (B) any other immigration screening process by

1 the federal government; and

2 (2) imposes a prohibition, restriction, or other  
3 regulation that does not exist under this state's laws.

4 Sec. 795.003. COMPLAINT AND ATTORNEY GENERAL ACTION. (a)

5 An individual residing in the jurisdiction of a political  
6 subdivision may file a complaint with the attorney general if the  
7 individual offers evidence to support an allegation that the  
8 political subdivision:

9 (1) entered into a contract or adopted a rule, order,  
10 ordinance, or policy under which the political subdivision enforces  
11 or assists with the enforcement of a federal statute, order, rule,  
12 or regulation described by Section 795.002; or

13 (2) by consistent actions, enforces or assists with  
14 the enforcement of a federal statute, order, rule, or regulation  
15 described by Section 795.002.

16 (b) A complaint filed under Subsection (a) must include  
17 evidence supporting the complaint.

18 (c) If the attorney general determines that a complaint  
19 filed under Subsection (a) against a political subdivision is  
20 valid, the attorney general may file a petition for a writ of  
21 mandamus or apply for other appropriate equitable relief in a  
22 district court in Travis County or in a county in which the  
23 principal office of the political subdivision is located to compel  
24 the political subdivision to comply with Section 795.002. The  
25 attorney general may recover reasonable expenses incurred in  
26 obtaining relief under this subsection, including court costs,  
27 reasonable attorney's fees, investigative costs, witness fees, and

1 deposition costs.

2 Sec. 795.004. INELIGIBILITY FOR STATE MONEY; NOTICE OF  
3 COURT DETERMINATION; COMPTROLLER ACTION. (a) If a court renders a  
4 final determination in an action brought under Section 795.003(c)  
5 and finds that a political subdivision violated Section 795.002,  
6 the political subdivision is ineligible to receive state money,  
7 including money from the general revenue fund or a grant program a  
8 state agency or other state entity administers, during the state  
9 fiscal year beginning immediately after the date the determination  
10 is made.

11 (b) The attorney general shall immediately notify the  
12 comptroller of any final judicial determination described by  
13 Subsection (a).

14 (c) If the comptroller receives notice under Subsection  
15 (b), the comptroller shall withhold any state money from the  
16 political subdivision during the state fiscal year beginning  
17 immediately after the date the judicial determination is made.

18 Sec. 795.005. APPEAL OF ATTORNEY GENERAL ACTION. An appeal  
19 of an action brought under Section 795.003(c) is governed by the  
20 procedures for accelerated appeals in civil cases under the Texas  
21 Rules of Appellate Procedure. The appellate court shall render its  
22 final order or judgment with the least possible delay.

23 Sec. 795.006. DEFENSE BY ATTORNEY GENERAL IN CERTAIN  
24 ACTIONS. The attorney general shall defend any state agency in a  
25 suit brought against the agency by the federal government for an act  
26 or omission of the agency consistent with the requirements of this  
27 chapter.

1           SECTION 2. Chapter 795, Government Code, as added by this  
2 Act, applies only to a contract entered into on or after the  
3 effective date of this Act. A contract entered into before the  
4 effective date of this Act is governed by the law in effect on the  
5 date the contract was entered into, and the former law is continued  
6 in effect for that purpose.

7           SECTION 3. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect on the 91st day after the last day of the  
12 legislative session.