

By: Schatzline

H.B. No. 2576

A BILL TO BE ENTITLED

AN ACT

relating to a database containing certain records of children who are not lawfully present in the United States.

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

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter G-1 to read as follows:

SUBCHAPTER G-1. DATABASE CONTAINING CERTAIN RECORDS OF CHILDREN NOT  
LAWFULLY PRESENT IN UNITED STATES

Sec. 411.161. DEFINITION. In this subchapter, "child" means an individual who is younger than 18 years of age.

Sec. 411.162. FINGERPRINT RECORDS; INTERVIEWS. (a) An employee of the department who is working as part of Operation Lone Star or a successor operation conducted by the department shall:

(1) detain a child who the employee has reasonable suspicion to believe is not lawfully present in the United States;

(2) obtain a complete set of fingerprints from the child for purposes of including the fingerprint record in the database described by Section 411.163; and

(3) conduct a wellness interview with the child to ensure that the child is safe and not a victim of a trafficking offense, and contact other appropriate state entities if the child is not safe.

(b) An interview under Subsection (a)(3) must be conducted outside the presence of any person accompanying the child at the

1 time the employee detains the child.

2 (c) A child may not be detained under this section for any  
3 period longer than necessary to satisfy the requirements of  
4 Subsections (a)(2) and (3).

5 Sec. 411.163. DATABASE. (a) The department shall  
6 establish a database to store the records of fingerprints collected  
7 under Section 411.162 and other information regarding the child's  
8 identity and well-being.

9 (b) The department shall use the database to investigate the  
10 frequency with which a child described by Section 411.162 has  
11 entered the United States unlawfully through the international  
12 border with Mexico.

13 (c) The director shall establish best practices for the  
14 database.

15 (d) The department shall establish a process to ensure that  
16 a child's record is removed from the database as soon as practicable  
17 after a child is determined to be lawfully present in the United  
18 States or on the 15th anniversary of the initial inclusion of the  
19 record in the database, whichever date is earlier.

20 Sec. 411.164. ACCESS TO DATABASE. The director by rule  
21 shall establish procedures to:

22 (1) prevent unauthorized access to the database; and

23 (2) release information maintained in the database.

24 SECTION 2. As soon as practicable after the effective date  
25 of this Act, the Department of Public Safety shall establish the  
26 database required by Subchapter G-1, Chapter 411, Government Code,  
27 as added by this Act.

1 SECTION 3. This Act takes effect September 1, 2023.