

By: Schwertner, et al.

S.B. No. 8

A BILL TO BE ENTITLED

AN ACT

relating to agreements between sheriffs and the United States Immigration and Customs Enforcement to enforce federal immigration law.

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

SECTION 1. Chapter 752, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. IMMIGRATION LAW ENFORCEMENT AGREEMENTS BETWEEN
SHERIFFS AND FEDERAL GOVERNMENT

Sec. 752.081. DEFINITION. In this subchapter, "grant" means a grant authorized to be awarded by the comptroller under the grant program established by Section 752.083.

Sec. 752.082. IMMIGRATION ENFORCEMENT AGREEMENTS. (a) The sheriff of each county with a population of 100,000 or more shall request, and as offered, enter into a written agreement with the United States Immigration and Customs Enforcement under Section 287(g), Immigration and Nationality Act (8 U.S.C. Section 1357(g)), or an agreement under a similar federal program to authorize officers and employees of the sheriff's department to enforce federal immigration law.

(b) The sheriff of a county with a population of less than 100,000 may request, and as offered, enter into a written agreement with the United States Immigration and Customs Enforcement under Section 287(g), Immigration and Nationality Act (8 U.S.C. Section

1 1357(g)), or an agreement under a similar federal program to
2 authorize officers and employees of the sheriff's department to
3 enforce federal immigration law.

4 (c) An agreement entered into under this section must
5 include the scope, duration, and limitations of the authority to
6 enforce federal immigration law.

7 (d) A sheriff who enters into an agreement under this
8 section shall allocate the necessary resources, including
9 personnel and funding, to ensure the proper implementation of the
10 agreement, including the resources necessary to meet any reasonable
11 objectives for enforcement set forth in the agreement.

12 (e) The sheriff of a county with a population of 100,000 or
13 more who requested but was not offered a written agreement under
14 this section shall make additional requests to enter into a written
15 agreement under this section at least once annually after each
16 request is made.

17 Sec. 752.083. GRANT PROGRAM: ESTABLISHMENT AND
18 ADMINISTRATION. From any money appropriated or otherwise available
19 for this purpose, the comptroller shall establish and administer a
20 grant program to support the state purpose of assisting sheriffs
21 serving counties participating in agreements in which officers and
22 employees of the sheriffs' departments are authorized to enforce
23 federal immigration law.

24 Sec. 752.084. GRANT PROGRAM: APPLICATION FOR SHERIFFS OF
25 CERTAIN COUNTIES. (a) A sheriff is eligible to apply for a grant
26 under this subchapter if the sheriff serves a county that has a
27 population of less than one million and has entered into an

1 agreement under Section 752.082. The application must include
2 details of the sheriff's department's obligations under the
3 agreement and of the department's staffing resources dedicated to
4 implementing the agreement and the staffing resources necessary to
5 sustain the sheriff's department's participation in the agreement.

6 (b) The comptroller by rule may require an applicant to
7 submit additional information or documentation with respect to a
8 grant application submitted under this section.

9 Sec. 752.085. GRANT PROGRAM: GRANT AWARD. (a) On approval
10 of an application submitted under Section 752.084 and using money
11 appropriated to the comptroller for this purpose, the comptroller
12 shall award a grant to an eligible sheriff who applies for the grant
13 as provided by Subsection (b).

14 (b) The comptroller by rule shall prescribe a procedure for
15 awarding grants to each eligible sheriff who applies for a grant,
16 with grant money divided among the following population tiers in
17 accordance with the General Appropriations Act:

18 (1) 50,000 or less;

19 (2) at least 50,001 but not more than 99,999;

20 (3) at least 100,000 but not more than 499,999; and

21 (4) at least 500,000 but not more than one million.

22 (c) A sheriff who is awarded a grant under this section must
23 use the grant money to pay the costs associated with participating
24 in the agreement that is the subject of the grant that are not
25 reimbursed by the federal government. Grant money may only be spent
26 over a two-year period on:

27 (1) compensation for peace officers and employees

1 performing duties under the agreement;

2 (2) generating and delivering reports required by the
3 agreement, including administrative duties required by this
4 subchapter;

5 (3) equipment and related services for peace officers
6 related to the agreement, including the cost of repairing or
7 replacing equipment required, but not provided, under the
8 agreement;

9 (4) attendance by a peace officer at any training or
10 other event required under the agreement; and

11 (5) other expenses associated with participating in
12 the agreement as determined by the comptroller.

13 Sec. 752.086. GRANT PROGRAM: COMPTROLLER POWERS AND
14 DUTIES. (a) The comptroller shall adopt rules necessary to
15 implement the grant program established by Section 752.083,
16 including rules that establish:

17 (1) a standardized application process, including the
18 form to be used to apply for a grant and the manner of submitting the
19 form;

20 (2) deadlines for:

21 (A) applying for the grant;

22 (B) submitting detailed documentation necessary
23 to demonstrate the sheriff's costs in participating in the
24 agreement that is the subject of the grant at least annually;

25 (C) distributing grant money; and

26 (D) spending grant money; and

27 (3) procedures for:

1 (A) monitoring the distribution of grant money to
2 ensure compliance with this subchapter; and

3 (B) returning grant money that was not used by a
4 sheriff for a purpose authorized by this subchapter.

5 (b) The comptroller may accept gifts, grants, and donations
6 to establish and administer the grant program under this
7 subchapter.

8 (c) The comptroller by rule shall adopt a procedure for
9 determining the period of the state fiscal year in which the
10 comptroller expects there to be money that remains unawarded under
11 the grant program and allowing a recipient of a grant awarded in
12 that fiscal year to request additional grant money not to exceed any
13 limit provided in the General Appropriations Act for the counties
14 in the tier described by Section 752.085 applicable to the
15 recipient.

16 Sec. 752.087. GRANT PROGRAM: EFFECT ON COUNTY
17 APPROPRIATIONS. In relation to money received from a grant awarded
18 to a sheriff under Section 752.085, the commissioners court of the
19 county the sheriff serves may not reduce the appropriation to the
20 sheriff's department in response to the sheriff receiving the
21 grant.

22 Sec. 752.088. REPORTING AND ACCOUNTABILITY. (a) A sheriff
23 who has entered into an agreement under Section 752.082 shall, not
24 later than the 60th day after the date the fiscal year of the county
25 served by the sheriff ends, submit a written report to the
26 comptroller and the attorney general. The report must provide
27 details on the sheriff's expenditures related to the agreement.

1 (b) The sheriff of a county with a population of 100,000 or
2 more who has not entered into an agreement under Section 752.082
3 shall annually provide proof to the attorney general of the
4 sheriff's attempt to enter into the agreement.

5 (c) The Commission on Jail Standards shall annually submit
6 to the comptroller and attorney general a report on immigration
7 detainers reported by each county jail in compliance with Section
8 511.0101(a)(1)(M).

9 (d) Not later than April 1 of each year, the comptroller, in
10 collaboration with the attorney general, shall prepare a written
11 report on participation in agreements entered into under Section
12 752.082 and submit the report to the governor, lieutenant governor,
13 and speaker of the house of representatives. The report must
14 include:

15 (1) a summary of the sheriff reports submitted under
16 Subsection (a);

17 (2) details on the grant program established by
18 Section 752.083, including the number of sheriffs participating and
19 total amount of money distributed; and

20 (3) a summary of any enforcement actions taken by the
21 attorney general under Section 752.089.

22 Sec. 752.089. ENFORCEMENT BY ATTORNEY GENERAL. (a) The
23 attorney general may bring an action against a sheriff who fails to
24 comply with this subchapter in a district court for appropriate
25 equitable relief.

26 (b) The attorney general may recover reasonable expenses
27 incurred in obtaining relief under Subsection (a), including court

1 costs, reasonable attorney's fees, investigative costs, witness
2 fees, and deposition costs.

3 (c) An action brought against a sheriff under this section
4 must be brought in a district court for the county served by the
5 sheriff.

6 SECTION 2. Not later than December 1, 2026, the sheriff of
7 each county with a population of 100,000 or more shall comply with
8 Section 752.082(a), Government Code, as added by this Act.

9 SECTION 3. A grant awarded to a sheriff under Section
10 752.085, Government Code, as added by this Act, may cover any costs
11 associated with participating in an agreement described by Section
12 752.082, Government Code, as added by this Act, that were incurred
13 by the sheriff between September 30, 2025, and January 1, 2026.

14 SECTION 4. Except as otherwise provided by this Act, this
15 Act takes effect January 1, 2026.