

BILL ANALYSIS

H.B. 1263
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Border and International Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Article 36 of the Vienna Convention on Consular Relations currently requires that foreign nationals detained in the United States be informed of their right to contact a consular officer from their country of nationality. The Vienna Convention is the major worldwide treaty on the topic of consular relations. Over 160 countries, including the United States are parties to the Vienna Convention. House Bill 1263 would require a magistrate to inform foreign nationals that have been arrested in Texas of their right to contact a consular officer from their country of nationality. The bill would also establish a statewide education and training program for handling the arrest and detention of foreign nationals.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, institution, or agency.

ANALYSIS

SECTION 1. House Bill 1263 amends the Code of Criminal Procedure to require the magistrate, if the magistrate knows or suspects that a person brought before the magistrate after an arrest is a foreign national, to inform the person that after an arrest a foreign national has a right to communicate with an official from the consulate of the person's country. The bill requires the magistrate, if the person chooses to exercise the right to communicate with the consular official, to notify an official of the penal institution in which the person is confined that the person wants a foreign consular official to be notified. The bill requires the official of the penal institution to allow the person to communicate with, correspond with, and be visited by a consular official of the person's country.

H.B. 1263 requires the magistrate and official of the penal institution, in providing a foreign national with his or her right of consular notification, to comply with policies and procedures adopted by the United States Department of State that apply to the notification of foreign consular officials on the arrest of foreign nationals.

SECTION 2. H.B. 1263 amends the Occupations Code to require the Commission on Law Enforcement Officer Standards and Education (commission), as part of the minimum curriculum requirements, to establish a statewide comprehensive education and training program (program) on the requirements for handling the arrest and detention of a foreign national.

SECTION 3. H.B. 1263 requires the commission to establish the curriculum for the program on or before January 1, 2004 and provides that for persons who are licensed peace officers on September 1, 2001, the first course must be completed before September 1, 2005.

SECTION 4. Effective date.

EFFECTIVE DATE

September 1, 2003.