

BILL ANALYSIS

C.S.S.B. 1751

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Border and International Affairs
Committee Report (Substituted)

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. C.S.S.B. 1751 would 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. C.S.S.B. 1751 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 proper methods and procedures necessary to ensure that a foreign national arrested in this state is given the opportunity to communicate with an official from the consulate of the foreign national's country as soon as is practicable after the foreign national's arrest.

SECTION 2. C.S.S.B. 1751 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, 2003, the first course must be completed before September 1, 2005.

SECTION 3. Effective date.

EFFECTIVE DATE

September 1, 2003.

COMPARISON TO ORIGINAL

The substitute amends the original by eliminating language that required and provided rules for the magistrate to inform a foreign national that after an arrest the foreign national has a right to communicate with an official from the consulate of the person's country. The substitute eliminates language that required 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.

The substitute also eliminates section relating to requiring the magistrate and official of the penal institution 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. The substitute eliminates the section relating to the failure of a magistrate or an official of a penal institution to provide a foreign national with his or her right of consular notification.

The substitute also amends the original by specifying that the comprehensive education and training program be on the proper methods and procedures necessary to ensure that a foreign national arrested in this state is given the opportunity to communicate with an official from the consulate of the foreign national's country as soon as is practicable after the foreign national's arrest.