

By: Lucio, Carona

S.B. No. 1751

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the right of a foreign national to contact a foreign
3 consular official.

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

5 SECTION 1. Article 15.17, Code of Criminal Procedure, is
6 amended by adding Subsection (h) to read as follows:

7 (h)(1) If a magistrate knows or suspects that a person
8 brought before the magistrate after an arrest is a foreign
9 national, the magistrate shall inform the person that after an
10 arrest a foreign national has a right to communicate with an
11 official from the consulate of the person's country. If the person
12 chooses to exercise the right to communicate with the consular
13 official, the magistrate shall notify an official of the penal
14 institution in which the person is confined that the person wants a
15 foreign consular official to be notified. The official of the penal
16 institution shall allow the person to communicate with, correspond
17 with, and be visited by a consular official of the person's country.

18 (2) In providing a foreign national with rights
19 described by Subdivision (1), the magistrate and the official of
20 the penal institution shall comply with policies and procedures
21 adopted by the United States Department of State that apply to the
22 notification of foreign consular officials on the arrest of foreign
23 nationals.

24 (3) Absent other factors, the failure of a magistrate

1 or an official of a penal institution to comply with Subdivision (1)
2 or (2) is not, in a criminal case:

3 (A) sufficient grounds for a mistrial;

4 (B) sufficient grounds for excluding evidence
5 from use during the trial; or

6 (C) reversible error on appeal.

7 SECTION 2. Section 1701.253, Occupations Code, is amended
8 by adding Subsection (i) to read as follows:

9 (i) As part of the minimum curriculum requirements, the
10 commission shall establish a statewide comprehensive education and
11 training program on the requirements for handling the arrest and
12 detention of a foreign national as provided by Article 15.17(h),
13 Code of Criminal Procedure.

14 SECTION 3. (a) The Commission on Law Enforcement Officer
15 Standards and Education shall establish the curriculum for a
16 comprehensive education and training program for peace officers as
17 required by Subsection (i), Section 1701.253, Occupations Code, as
18 added by this Act, on or before January 1, 2004.

19 (b) For persons who are licensed peace officers on September
20 1, 2003, the first course required under Subsection (i), Section
21 1701.253, Occupations Code, as added by this Act, must be completed
22 before September 1, 2005.

23 SECTION 4. This Act takes effect September 1, 2003.