

1-1 By: Ellis, et al. S.B. No. 603  
1-2 (In the Senate - Filed February 18, 2005; March 1, 2005,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 March 23, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 0; March 23, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 603 By: Hinojosa

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the right of a foreign national to contact a foreign  
1-11 consular official.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Article 15.17, Code of Criminal Procedure, is  
1-14 amended by adding Subsection (g) to read as follows:

1-15 (g)(1) If a magistrate knows or suspects that a person  
1-16 brought before the magistrate after an arrest is a foreign national  
1-17 the magistrate shall inform the person that after an arrest a  
1-18 foreign national has a right to communicate with an official from  
1-19 the consulate of the person's country. If the person chooses to  
1-20 exercise the right to communicate with a consular official, the  
1-21 magistrate shall notify an official of the penal institution in  
1-22 which the person is confined that the person wants a foreign  
1-23 consular official to be notified.

1-24 (2) The official of the penal institution in which the  
1-25 person is confined shall allow the person to communicate with,  
1-26 correspond with, and be visited by a consular official of the  
1-27 person's country.

1-28 (3) In providing a foreign national with rights  
1-29 described by this subsection, the magistrate and official of the  
1-30 penal institution shall comply with policies and procedures adopted  
1-31 by the United States Department of State that apply to the  
1-32 notification of foreign consular officials on the arrest of foreign  
1-33 nationals.

1-34 SECTION 2. Section 1701.253, Occupations Code, is amended  
1-35 by adding Subsection (j) to read as follows:

1-36 (j) As part of the minimum curriculum requirements, the  
1-37 commission shall establish a statewide comprehensive education and  
1-38 training program on the requirements for handling the arrest and  
1-39 detention of a foreign national as provided by Article 15.17(g),  
1-40 Code of Criminal Procedure. An officer shall complete a program  
1-41 established under this subsection not later than the second  
1-42 anniversary of the date the officer is licensed under this chapter  
1-43 or the date the officer applies for an intermediate proficiency  
1-44 certificate, whichever date is earlier.

1-45 SECTION 3. Section 1701.402, Occupations Code, is amended  
1-46 by adding Subsection (g) to read as follows:

1-47 (g) As a requirement for an intermediate proficiency  
1-48 certificate, an officer must complete an education and training  
1-49 program on the requirements for handling the arrest of a foreign  
1-50 national that are established by the commission under Section  
1-51 1701.253(j).

1-52 SECTION 4. (a) Not later than January 1, 2006, the  
1-53 Commission on Law Enforcement Officer Standards and Education shall  
1-54 establish the curriculum for a comprehensive education and training  
1-55 program for peace officers as required by Subsection (j), Section  
1-56 1701.253, and Subsection (g), Section 1701.402, Occupations Code,  
1-57 as added by this Act.

1-58 (b) A person who, on September 1, 2005, holds an  
1-59 intermediate proficiency certificate issued under Section  
1-60 1701.402, Occupations Code, or has held a peace officer license  
1-61 issued by the Commission on Law Enforcement Officer Standards and  
1-62 Education for more than two years shall complete an educational  
1-63 training program on the requirements for handling the arrest of a

2-1 foreign national that are established under Subsection (j), Section  
2-2 1701.253, Occupations Code, as added by this Act, not later than  
2-3 September 1, 2007.

2-4 SECTION 5. This Act takes effect September 1, 2005.

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