

BILL ANALYSIS

C.S.H.B. 2998
By: Christian
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently the State of Texas is one of the main avenues for the transportation of illegal substances into the United States. Major metropolitan areas such as Houston, Dallas, and San Antonio are some of the largest drug distribution points in the nation. Along with drug distribution other threats to the state and the rest of the nation are nuclear and bio terrorism. In order for Peace Officers to protect law abiding individuals they must be given the authority to check the legal status of anyone within their jurisdiction.

RULEMAKING AUTHORITY

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

ANALYSIS

Section 1: Amends Chapter 2 of the Code of Criminal Procedure by adding article 2.251

Art. 2.251. CITIZENSHIP AND IMMIGRATION STATUS VERIFICATION BY PEACE OFFICER. (a) A peace officer shall verify the citizenship and immigration status of any person who is placed under arrest or detained, including an arrest or detention for an offense under Chapter 49, Penal Code, involving the operation of a motor vehicle.

(b) If a peace officer has probable cause to believe the person has committed a violation described by Subsection (a), the officer shall:

- (1) identify and report the person to United States Citizenship and Immigration Services; or
- (2) arrest the person for the violation.

(c) A local ordinance, regulation, or policy that interferes with the ability of a peace officer to carry out a duty conferred by this article is void.

Section 2: Effective Date

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the original caption, Article 2.251 title, and Subsection (a) by replacing "immigration status" with "citizenship and immigration status" to instruct a peace officer to identify the citizenship of an individual, not just the immigration status. The substitute replaces "or an offense under the Transportation Code punishable by fine only" in the original with "involving the operation of a motor vehicle."