

By: Talton

H.B. No. 858

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a peace officer to inquire into the immigration status of certain persons.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.251 to read as follows:

Art. 2.251. IMMIGRATION STATUS INQUIRY BY PEACE OFFICER.

(a) A peace officer may inquire into the immigration status of any person under arrest or detained on other grounds if the officer has a reasonable suspicion to believe the person has violated a civil or criminal provision of the federal immigration laws.

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

(1) identify and report the person to United States Citizenship and Immigration Services; or

(2) arrest the person for the violation.

(c) A public official or a state statute or local ordinance or regulation may not prohibit a peace officer from exercising the authority granted under this article.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2007.