

By: Zedler, Flynn, Paxton

H.B. No. 905

Substitute the following for H.B. No. 905:

By: Swinford

C.S.H.B. No. 905

A BILL TO BE ENTITLED

AN ACT

relating to verifying the immigration status of certain defendants confined in correctional facilities.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.245 to read as follows:

Art. 2.245. SHERIFF OR OTHER OFFICER TO DETERMINE IMMIGRATION STATUS OF CERTAIN DEFENDANTS. (a) In this article, "intoxication offense" means an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

(b) The sheriff or any other officer in charge of a correctional facility in which a defendant is confined awaiting trial for a felony or an intoxication offense shall immediately, on receipt of the defendant, make a reasonable effort to determine the defendant's nationality.

(c) If the sheriff or other officer has reason to believe the defendant is a foreign national and the sheriff or other officer cannot verify the defendant's immigration status from documents in the defendant's possession, the sheriff or other officer, not later than 48 hours after the defendant is received at the correctional facility, shall contact the Law Enforcement Support Center of the United States Department of Homeland Security, or other office or agency designated for that purpose by the Department of Homeland Security, to verify the defendant's immigration status.

1 (d) The sheriff or other officer shall notify the Department
2 of Homeland Security if the sheriff or officer determines that:

3 (1) the defendant was not lawfully admitted to the
4 United States; or

5 (2) although lawfully admitted, the defendant's lawful
6 status has expired.

7 (e) This article does not authorize a denial of bond or
8 other manner of release from confinement to a person otherwise
9 eligible for release.

10 (f) The Commission on Jail Standards shall prepare and issue
11 guidelines and procedures to ensure compliance with this article.

12 SECTION 2. Article 2.245, Code of Criminal Procedure, as
13 added by this Act, applies only to a defendant admitted to a
14 correctional facility on or after the effective date of this Act. A
15 defendant admitted to a correctional facility before the effective
16 date of this Act is covered by the law in effect on the date the
17 defendant was admitted, and the former law is continued in effect
18 for that purpose.

19 SECTION 3. This Act takes effect September 1, 2007.