

By: Hilderbran

H.B. No. 1256

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of immigration laws.

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

SECTION 1. Section 370.003, Local Government Code, is amended to read as follows:

Sec. 370.003. MUNICIPAL OR COUNTY POLICY REGARDING ENFORCEMENT OF STATE AND FEDERAL ~~[DRUG]~~ LAWS. The governing body of a municipality, the commissioners court of a county, or a sheriff, municipal police department, municipal attorney, county attorney, district attorney, or criminal district attorney may not adopt a policy under which the entity will not fully enforce the laws of this state or federal law relating to:

(1) drugs, including Chapters 481 and 483, Health and Safety Code; or

(2) immigrants or immigration, including the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.) ~~and federal law~~.

SECTION 2. 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.

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

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

6 (2) arrest the person for the violation.

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

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2007.