

By: Crabb

H.B. No. 2180

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the offense of criminal trespass by
3 illegal aliens and to certain procedures for arresting illegal
4 aliens suspected of committing criminal offenses.

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

6 SECTION 1. Chapter 30, Penal Code, is amended by adding
7 Section 30.055 to read as follows:

8 Sec. 30.055. CRIMINAL TRESPASS BY ILLEGAL ALIENS. (a) A
9 person commits an offense if the person:

10 (1) is a citizen of any country other than the United
11 States who has been denied admission, excluded, deported, or
12 removed or has otherwise departed from the United States after
13 having been convicted of a felony under the law of any state or
14 under federal law; and

15 (2) subsequently enters or remains on or in any public
16 or private property in this state in violation of 8 U.S.C. Section
17 1326.

18 (b) An offense under this section is a felony of the third
19 degree.

20 SECTION 2. Article 14.03, Code of Criminal Procedure, is
21 amended by adding Subsection (h) to read as follows:

22 (h)(1) In the course of acting on a reasonable suspicion that
23 a person is committing or has committed an offense, including an
24 offense under Section 30.055, Penal Code, a peace officer may

1 arrest the person without a warrant if the peace officer before
2 making the arrest seeks and receives confirmation from the Bureau
3 of Immigration and Customs Enforcement of the United States
4 Department of Homeland Security that the person:

5 (A) is an alien who is present in the United
6 States in violation of 8 U.S.C. Section 1326; and

7 (B) before the person's reentry into the United
8 States in violation of that section, had been denied admission,
9 excluded, deported, or removed or had otherwise departed from the
10 United States after having been convicted of a felony under the law
11 of any state or under federal law.

12 (2) On receiving the confirmation described by
13 Subdivision (1), the peace officer immediately shall take the
14 person before a magistrate in compliance with Article 14.06. After
15 placing under oath and questioning the peace officer and on a
16 finding of probable cause to believe the person arrested is a person
17 described by Subdivisions (1)(A) and (B), the magistrate may issue
18 a state warrant under this subsection. The warrant must specify the
19 applicable violation or violations of federal criminal law as
20 previously confirmed with the Bureau of Immigration and Customs
21 Enforcement. A warrant issued under this subsection expires on the
22 earlier of:

23 (A) the time the person is transferred into
24 federal custody; or

25 (B) 72 hours after issuance.

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