

## **BILL ANALYSIS**

C.S.H.B. 3334  
By: Merritt  
Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Terrorism and criminal activity are most effectively combated through a multilevel approach that encompasses federal, state, and local resources, skills, and expertise. State and local law enforcement play a critical role in protecting our homeland because they are often the first responders on the scene when there is an incident or attack against the United States.

The U.S. Immigration and Customs Enforcement Agency (ICE) developed the Agreements of Cooperation in Communities to Enhance Safety and Security (ACCESS) program, which provides local law enforcement agencies an opportunity to team with ICE to combat specific challenges in their communities. The ACCESS program was created in response to widespread interest from local law enforcement agencies in the enforcement of immigration laws as authorized through Section 287(g) of the federal Immigration and Nationality Act. ICE offers a four-week training program now held at the Federal Law Enforcement Training Center ICE Academy in Charleston, South Carolina, conducted by certified instructors. ICE provides the training instruction and materials, but the requesting local law enforcement agency is required to pay officer salaries. In addition, the requesting law enforcement agency is responsible for the cost incurred to replace the law enforcement officer who is attending the ICE immigration law enforcement training course.

C.S.H.B. 3334 requires the criminal justice division established by the governor's office to pay the cost incurred by a local law enforcement agency to replace an officer who is attending the federal immigration law enforcement training, provided that certain conditions are met.

### **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**

C.S.H.B. 3334 amends the Government Code to include in the duties of the criminal justice division in the governor's office the payment, on application by a unit of local government, of the cost incurred to replace a law enforcement officer during the period that the law enforcement officer is receiving training by the federal Immigration and Customs Enforcement Agency, or its successor agency, on the enforcement of federal immigration law, provided that the unit of local government has signed a memorandum of understanding limiting enforcement to that authorized by federal law relating to the authority of state and local law enforcement officials to arrest and detain certain illegal aliens.

### **EFFECTIVE DATE**

September 1, 2009.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 3334 adds a provision not in the original conditioning the duty of the criminal justice division in the governor's office to pay the cost incurred to replace certain law enforcement officers on whether the unit of local government has signed a memorandum of understanding limiting enforcement to that authorized by certain federal law.