

By: Gallego

H.B. No. 3581

A BILL TO BE ENTITLED

AN ACT

relating to the right of a foreign national to contact a foreign consular official.

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

SECTION 1. Article 15.17, Code of Criminal Procedure, is amended by adding Subsection (h) to read as follows:

(h)(1) If a magistrate knows or suspects that a person brought before the magistrate after an arrest is a foreign national, other than a national of Canada or the United Mexican States, the magistrate shall inform the person that after an arrest a foreign national has a right to communicate with an official from the consulate of the person's country. If the person chooses to exercise the right to communicate with the consular official, the magistrate shall notify an official of the penal institution in which the person is confined that the person wants a foreign consular official to be notified.

(2) If a magistrate knows or suspects that a person brought before the magistrate after an arrest is a national of Canada or the United Mexican States, the magistrate shall:

(A) inform the person that, after an arrest, a foreign national has a right to communicate with an official from the consulate of the person's country; and

(B) notify the consulate of Canada or the United Mexican States, as applicable, of the person's arrest and

1 detention.

2 (3) The official of the penal institution in which the
3 person is confined shall allow the person to communicate with,
4 correspond with, and be visited by a consular official of the
5 person's country.

6 (4) In providing a foreign national with rights
7 described by this subsection, the magistrate and official of the
8 penal institution shall comply with policies and procedures adopted
9 by the United States Department of State that apply to the
10 notification of foreign consular officials on the arrest of foreign
11 nationals.

12 SECTION 2. Section 1701.253, Occupations Code, is amended
13 by adding Subsection (k) to read as follows:

14 (k) As part of the minimum curriculum requirements, the
15 commission shall establish a statewide comprehensive education and
16 training program on the requirements for handling the arrest and
17 detention of a foreign national as provided by Article 15.17(h),
18 Code of Criminal Procedure. An officer shall complete a program
19 established under this subsection not later than the second
20 anniversary of the date the officer is licensed under this chapter
21 or the date the officer applies for an intermediate proficiency
22 certificate, whichever date is earlier.

23 SECTION 3. Section 1701.402, Occupations Code, is amended
24 by adding Subsection (h) to read as follows:

25 (h) As a requirement for an intermediate proficiency
26 certificate, an officer must complete an education and training
27 program on the requirements for handling the arrest of a foreign

1 national that are established by the commission under Section
2 1701.253(k).

3 SECTION 4. (a) Not later than January 1, 2010, the
4 Commission on Law Enforcement Officer Standards and Education shall
5 establish the curriculum for a comprehensive education and training
6 program for peace officers as required by Section 1701.253(k) and
7 Section 1701.402(h), Occupations Code, as added by this Act.

8 (b) A person who, on September 1, 2009, holds an
9 intermediate proficiency certificate issued under Section
10 1701.402, Occupations Code, or has held a peace officer license
11 issued by the Commission on Law Enforcement Officer Standards and
12 Education for more than two years shall complete an educational
13 training program on the requirements for handling the arrest of a
14 foreign national that are established under Section 1701.253(k),
15 Occupations Code, as added by this Act, not later than September 1,
16 2011.

17 SECTION 5. This Act takes effect September 1, 2009.