

By: Howard of Fort Bend

H.B. No. 4487

A BILL TO BE ENTITLED

AN ACT

relating to state and local activities concerning and enforcement
of federal immigration and custom laws.

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

SECTION 1. Section 421.071, Government Code, is amended to
read as follows:

Sec. 421.071. COOPERATION AND ASSISTANCE; IMMIGRATION. (a)
A state or local agency that performs a homeland security activity
or a nongovernmental entity that contracts with a state or local
agency to perform a homeland security activity shall cooperate with
and assist the office of the governor, the Homeland Security
Council, the Texas Infrastructure Protection Communications
Center, and the National Infrastructure Protection Center in the
performance of their duties under this chapter and other state or
federal law.

(b) A local agency may not adopt a rule, policy, or
ordinance that limits or prohibits an agency official, employee, or
law enforcement officer from communicating or cooperating with
federal officials with regard to the immigration status of an
individual in this state.

(c) Notwithstanding any other provision of law, a state or
local agency in this state may not prohibit or in any way restrict
an agency official, employee, or law enforcement officer from:

(1) maintaining information regarding the citizenship

1 or immigration status of an individual; or

2 (2) sending to or receiving from the United States
3 Department of Homeland Security or any other governmental agency
4 the information described by Subdivision (1).

5 (d) A resident of this state may bring an action in a
6 district court alleging a violation of Subsection (b) or (c) to
7 compel a state or local agency to comply with Subsection (b) or (c)
8 or with 8 U.S.C. Section 1373.

9 SECTION 2. Subchapter Z, Chapter 421, Government Code, is
10 amended by adding Section 421.902 to read as follows:

11 Sec. 421.902. IMMIGRATION ENFORCEMENT. (a) Subject to
12 approval by the governor, the attorney general of this state shall
13 enter into an agreement under 8 U.S.C. Section 1357(g) with the
14 United States Office of the Attorney General or other appropriate
15 federal agency relating to the enforcement by this state of federal
16 immigration and customs laws in this state, including detentions,
17 removals, and investigations.

18 (b) The agreement entered into under Subsection (a) shall be
19 signed on behalf of this state by the attorney general of this state
20 and the governor or as otherwise required by the appropriate
21 federal agency.

22 SECTION 3. This Act takes effect September 1, 2009.