

By: Patrick

S.B. No. 2584

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of felons incarcerated in Texas jails to federal authorities.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.245 to read as follows:

Art. 2.245. SHERIFF OR OTHER OFFICER TO DETERMINE IMMIGRATION STATUS OF CERTAIN DEFENDANTS. (a) This article applies only to a conviction of a felony under:

1. TITLE 5, Penal Code;
2. TITLE 6, Penal Code;
3. TITLE 7, Penal Code;
4. TITLE 9, Chapter 43, Penal Code;
5. TITLE 10, Chapter 46, Penal Code; or,
6. Ch. 481, Health and Safety Code.

(b) The sheriff or any other officer in charge of a correctional facility, as defined by Section 1.07, Penal Code, shall immediately, on receiving a defendant who has been convicted of a felony to which this article applies, make a reasonable effort to determine the defendant's citizenship status.

(c) If the sheriff or other officer has reason to believe the defendant is a foreign national, the sheriff or officer shall make a reasonable effort to verify that:

- (1) the defendant has been lawfully admitted to the

1 United States; and

2 (2) if lawfully admitted, the defendant's lawful
3 status has not expired.

4 (d) If the sheriff or other officer cannot verify the
5 defendant's immigration status under Subsection (c) from documents
6 in the defendant's possession, the sheriff or other officer, not
7 later than 48 hours after the defendant is received at the
8 correctional facility, shall contact the Law Enforcement Support
9 Center of the United States Department of Homeland Security, or
10 other office or agency designated for that purpose by the
11 Department of Homeland Security, to verify the defendant's
12 immigration status.

13 (e) The sheriff or other officer shall notify the Department
14 of Homeland Security if the sheriff or officer determines that:

15 (1) the defendant was not lawfully admitted to the
16 United States; or

17 (2) although lawfully admitted, the defendant's lawful
18 status has expired.

19 (f) The Commission on Jail Standards and the Texas
20 Department of Criminal Justice shall prepare and issue guidelines
21 and procedures to ensure compliance with this article by
22 correctional facilities under their respective jurisdictions.

23 SECTION 2. Article 2.245, Code of Criminal Procedure, as
24 added by this Act, applies only to a defendant admitted to a
25 correctional facility on or after the effective date of this Act. A
26 defendant admitted to a correctional facility before the effective
27 date of this Act is covered by the law in effect on the date the

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1 defendant was admitted, and the former law is continued in effect
2 for that purpose.

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