

1-1 By: Patrick S.B. No. 2584  
1-2 (In the Senate - Filed May 12, 2009; May 12, 2009, read  
1-3 first time and referred to Committee on Criminal Justice; May 13,  
1-4 2009, rereferred to Committee on Transportation and Homeland  
1-5 Security; May 14, 2009, reported favorably by the following vote:  
1-6 Yeas 5, Nays 0; May 14, 2009, sent to printer.)

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to the reporting of certain felons incarcerated in Texas  
1-10 jails to federal authorities.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 2, Code of Criminal Procedure, is  
1-13 amended by adding Article 2.245 to read as follows:

1-14 Art. 2.245. SHERIFF OR OTHER OFFICER TO DETERMINE  
1-15 IMMIGRATION STATUS OF CERTAIN DEFENDANTS. (a) This article  
1-16 applies only to a conviction of a felony under:

- 1-17 (1) Title 5, Penal Code;  
1-18 (2) Title 6, Penal Code;  
1-19 (3) Title 7, Penal Code;  
1-20 (4) Chapter 43, Penal Code;  
1-21 (5) Chapter 46, Penal Code; or  
1-22 (6) Chapter 481, Health and Safety Code.

1-23 (b) The sheriff or any other officer in charge of a  
1-24 correctional facility, as defined by Section 1.07, Penal Code,  
1-25 shall immediately, on receiving a defendant who has been convicted  
1-26 of a felony to which this article applies, make a reasonable effort  
1-27 to determine the defendant's citizenship status.

1-28 (c) If the sheriff or other officer has reason to believe  
1-29 the defendant is a foreign national, the sheriff or officer shall  
1-30 make a reasonable effort to verify that:

- 1-31 (1) the defendant has been lawfully admitted to the  
1-32 United States; and  
1-33 (2) if lawfully admitted, the defendant's lawful  
1-34 status has not expired.

1-35 (d) If the sheriff or other officer cannot verify the  
1-36 defendant's immigration status under Subsection (c) from documents  
1-37 in the defendant's possession, the sheriff or other officer, not  
1-38 later than 48 hours after the defendant is received at the  
1-39 correctional facility, shall contact the Law Enforcement Support  
1-40 Center of the United States Department of Homeland Security, or  
1-41 other office or agency designated for that purpose by the  
1-42 Department of Homeland Security, to verify the defendant's  
1-43 immigration status.

1-44 (e) The sheriff or other officer shall notify the United  
1-45 States Department of Homeland Security if the sheriff or officer  
1-46 determines that:

- 1-47 (1) the defendant was not lawfully admitted to the  
1-48 United States; or  
1-49 (2) although lawfully admitted, the defendant's lawful  
1-50 status has expired.

1-51 (f) The Commission on Jail Standards and the Texas  
1-52 Department of Criminal Justice shall prepare and issue guidelines  
1-53 and procedures to ensure compliance with this article by  
1-54 correctional facilities under their respective jurisdictions.

1-55 SECTION 2. Article 2.245, Code of Criminal Procedure, as  
1-56 added by this Act, applies only to a defendant admitted to a  
1-57 correctional facility on or after the effective date of this Act. A  
1-58 defendant admitted to a correctional facility before the effective  
1-59 date of this Act is covered by the law in effect on the date the  
1-60 defendant was admitted, and the former law is continued in effect  
1-61 for that purpose.

1-62 SECTION 3. This Act takes effect September 1, 2009.

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