

By: Solomons

H.B. No. 10

A BILL TO BE ENTITLED

AN ACT

relating to the duty of a law enforcement agency to request information regarding the immigration status of an arrested person.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.253 to read as follows:

Art. 2.253. INFORMATION REQUEST REGARDING ARRESTED PERSON'S IMMIGRATION STATUS. Not later than 48 hours after a person is arrested and before the person is released on bond, the law enforcement agency that has custody of the person shall:

(1) request information regarding the person's immigration status from:

(A) a peace officer or other law enforcement officer of this state who is authorized under federal law to verify a person's immigration status; or

(B) a federal law enforcement officer, in accordance with 8 U.S.C. Section 1373(c); and

(2) notify United States Immigration and Customs Enforcement that the person is in the custody of the law enforcement agency if information received following a request under Subdivision (1) reveals that the person:

(A) is not a citizen or national of the United States; and

(B) is unlawfully present in the United States

1 according to the terms of the Immigration and Nationality Act (8
2 U.S.C. Section 1101 et seq.).

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect on the 91st day after the last day of the
8 legislative session.