

BILL ANALYSIS

C.S.H.B. 183
By: Solomons
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The United States Immigration and Customs Enforcement (ICE), part of the Department of Homeland Security, responds to an inquiry from a federal, state, or local governmental entity regarding the immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law by providing the requested verification or status information. In addition, ICE provides programs through which federal, state, and local governmental entities may check the immigration status of an individual.

C.S.H.B. 183 sets out a law enforcement agency's duty to request information regarding the immigrant status of an arrested person.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 183 amends the Code of Criminal Procedure to require a law enforcement agency that has custody of a person, not later than 48 hours after the person is arrested and before the person is released on bond, to request information regarding the person's immigration status from 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 from a federal law enforcement officer. The bill requires the law enforcement agency during that same time period to notify United States Immigration and Customs Enforcement that the person is in the custody of the law enforcement agency if information received following the request for information regarding the person's immigration status reveals that the person is not a citizen or national of the United States and is unlawfully present in the United States according to the terms of the federal Immigration Reform and Control Act of 1986.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 183 differs from the original by applying its requirements only to a law enforcement agency that has custody of an arrested person, rather than a law enforcement agency that arrested the person or has custody of the person as in the original. The substitute differs from the original by requiring the law enforcement agency to request information regarding an arrested person's immigration status, rather than requiring the law enforcement agency to have the person's immigration status verified as in the original. The substitute requires the law enforcement agency to notify United States Immigration and Customs Enforcement (ICE) that the person is in

the custody of the law enforcement agency if the information received reveals certain facts regarding the person's immigration status, whereas the original requires the law enforcement agency to notify ICE of the results of an immigration status verification if ICE does not have the results and the verification reveals certain facts regarding the person's immigration status.