

## **BILL ANALYSIS**

H.B. 1455  
By: Kolkhorst  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

U.S. Immigration and Customs Enforcement (ICE) is charged with taking possession of an illegal immigrant who has committed a crime and is set to be released from the custody of a state or local law enforcement agency. However, it is reported that in some cases ICE will not take possession of a criminal illegal immigrant upon the immigrant's discharge, leaving Texas law enforcement agencies with no choice but to release an illegal immigrant who has committed a crime. A bail bond may also be posted for an individual being held on a criminal matter even if an immigration detainer or immigration hold has been placed on the individual. Further complicating matters is the fact that there is no accurate count of illegal immigrants in state and local custody who are ignored by ICE. Interested parties have contended that the enforcement of immigration law falls within the purview of the federal government, leaving Texas with few mechanisms for solving this problem.

H.B. 1455 seeks to remedy the situation by addressing matters relating to the release or discharge by a law enforcement agency of certain illegal immigrants at the office of a United States senator or United States representative.

### **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**

H.B. 1455 amends the Code of Criminal Procedure to authorize a law enforcement agency that has custody of an illegal immigrant who is entitled to be released on bail or discharged following the completion of the immigrant's sentence and who is not subject to an immigration detainer issued by United States Immigration and Customs Enforcement (ICE) prohibiting the person's release to release or discharge the illegal immigrant at the office of a United States senator or United States representative during that office's normal business hours and request an agent or employee of the United States senator or United States representative to sign a document acknowledging the release or discharge of the illegal immigrant at the senator's or representative's office. The bill makes provisions relating to such release or discharge inapplicable to an illegal immigrant for whom release or discharge at such a location is prohibited by a court order or other law. The bill authorizes a law enforcement agency to maintain a record of each illegal immigrant released or discharged from the custody of the agency who is not transferred to the custody of United States Immigration and Customs Enforcement.

H.B. 1455 defines "illegal immigrant."

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.