

BILL ANALYSIS

Senate Research Center
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H.B. 2734
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Transportation & Homeland Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that Immigration and Customs Enforcement, in taking possession of an offender from the Texas Department of Criminal Justice for deportation purposes, often releases the offender without deportation to the offender's country of origin. This bill seeks to address this issue by providing for certain mandatory conditions and the revocation of parole or mandatory supervision for certain illegal criminal aliens in Texas.

H.B. 2734 amends current law relating to certain mandatory conditions of parole or mandatory supervision for illegal criminal aliens and the revocation of parole or mandatory supervision as a result of violating those conditions.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter F, Chapter 508, Government Code, by adding Section 508.192, as follows:

Sec. 508.192. REENTRY INTO THE UNITED STATES PROHIBITED. (a) Defines, in this section, "illegal criminal alien."

(b) Requires a parole panel to require as a condition of parole or mandatory supervision that an illegal criminal alien released to the custody of United States Immigration and Customs Enforcement:

(1) regardless of whether a final order of deportation is issued with reference to the illegal criminal alien, leave the United States as soon as possible after release; and

(2) not unlawfully return to or unlawfully reenter the United States in violation of the Immigration Reform and Control Act of 1986 (8 U.S.C. Section 1101 et seq.).

SECTION 2. Amends Section 508.281, Government Code, by adding Subsection (d), as follows:

(d) Provides that if a parole panel or designated agent of the Board of Pardons and Paroles determines that a releasee has violated a condition of release required under Section 508.192 and confirms the violation with 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, in accordance with 8 U.S.C. Section 1373(c), with a federal law enforcement officer, the determination is considered to be a sufficient hearing to revoke the parole or mandatory supervision without further hearing or determination, except that the parole panel or designated agent is required to conduct a hearing to consider mitigating circumstances, if requested by the releasee.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2011.