

By: Riddle

H.B. No. 17

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the offense of criminal trespass by an
3 illegal alien and to certain procedures for arresting illegal
4 aliens for committing that criminal offense.

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

6 SECTION 1. Chapter 30, Penal Code, is amended by adding
7 Section 30.055 to read as follows:

8 Sec. 30.055. CRIMINAL TRESPASS BY ILLEGAL ALIEN. (a) A
9 person commits an offense if the person:

10 (1) is a citizen of any country other than the United
11 States; and

12 (2) enters or remains on or in any public or private
13 property in this state in violation of 8 U.S.C. Section 1325 or
14 1326.

15 (b) An offense under this section is a Class B misdemeanor.

16 SECTION 2. Article 14.03, Code of Criminal Procedure, is
17 amended by adding Subsection (h) to read as follows:

18 (h) A peace officer may arrest, without a warrant, a person
19 who the officer has probable cause to believe has committed an
20 offense under Section 30.055, Penal Code, if the peace officer:

21 (1) at the time of arrest, is acting on a reasonable
22 suspicion that the person is committing or has committed another
23 offense for which the peace officer, under the circumstances
24 described by this article, may arrest the person without a warrant;

1 and

2 (2) before making the arrest, seeks and receives
3 confirmation from the United States Immigration and Customs
4 Enforcement component of the United States Department of Homeland
5 Security that the person is an alien who is present in the United
6 States in violation of 8 U.S.C. Section 1325 or 1326.

7 SECTION 3. This Act takes effect September 1, 2011.