

By: Solomons

H.B. No. 247

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

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

SECTION 1. Section 370.003, Local Government Code, is amended to read as follows:

Sec. 370.003. LOCAL GOVERNMENT [~~MUNICIPAL OR COUNTY~~] POLICY REGARDING ENFORCEMENT OF STATE AND FEDERAL [~~DRUG~~] LAWS. (a) This section applies to:

(1) the [~~The~~] governing body of a municipality, [~~the commissioners court of a~~] county, or special district or authority;

(2) an officer, employee, or other body that is part of a municipality, county, or special district or authority, including a sheriff, municipal police department, municipal attorney, or county attorney; or

(3) a [~~]~~ district attorney[~~]~~ or criminal district attorney.

(b) An entity described by Subsection (a) may not adopt a policy under which the entity will not fully enforce the laws of this state or federal law, including laws relating to:

(1) drugs, including Chapters 481 and 483, Health and Safety Code; and

(2) immigrants or immigration, including the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.)[~~]~~

1 ~~and federal law]~~.

2 (c) In compliance with Subsection (b)(2), an entity
3 described by Subsection (a) may not prohibit or in any manner
4 restrict a person employed by or otherwise under the direction or
5 control of the entity from doing any of the following:

6 (1) with respect to information relating to the
7 immigration status, lawful or unlawful, of any individual:

8 (A) sending the information to or requesting or
9 receiving the information from United States Citizenship and
10 Immigration Services or United States Immigration and Customs
11 Enforcement, including information regarding an individual's place
12 of birth;

13 (B) maintaining the information; or

14 (C) exchanging the information with another
15 federal, state, or local governmental entity;

16 (2) assisting or cooperating with a federal
17 immigration officer as reasonable and necessary, including
18 providing enforcement assistance; or

19 (3) permitting a federal immigration officer to enter
20 and conduct enforcement activities at a municipal or county jail to
21 enforce federal immigration laws.

22 (d) The attorney general may file a petition for a writ of
23 mandamus or apply for other appropriate equitable relief in a
24 district court of a county in which the principal office of an
25 entity described by Subsection (a) is located to compel the entity
26 that adopts a rule, order, ordinance, or policy under which the
27 local entity will not fully enforce the laws of this state or

1 federal laws relating to Subsection (b)(2) or that, by consistent
2 actions, fails to fully enforce the laws of this state or federal
3 laws relating to Subsection (b)(2) to comply with Subsection
4 (b)(2). The attorney general may recover reasonable expenses
5 incurred in obtaining relief under this subsection, including court
6 costs, reasonable attorney's fees, investigative costs, witness
7 fees, and deposition costs.

8 SECTION 2. The heading to Chapter 370, Local Government
9 Code, is amended to read as follows:

10 CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO [~~MUNICIPAL~~
11 ~~AND COUNTY~~] HEALTH AND PUBLIC SAFETY APPLYING TO MORE THAN ONE
12 TYPE OF LOCAL GOVERNMENT

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2011.