

By: Bohac

H.B. No. 1382

A BILL TO BE ENTITLED

AN ACT

relating to the duty of a law enforcement agency to verify the immigration status of an arrested person.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.252 to read as follows:

Art. 2.252. VERIFICATION OF ARRESTED PERSON'S IMMIGRATION STATUS. Not later than 48 hours after a person is arrested and before the person is released on bond, the law enforcement agency that arrested the person or that has custody of the person shall:

(1) have the person's immigration status verified by:

(A) 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

(B) a federal law enforcement officer, in accordance with 8 U.S.C. Section 1373(c); and

(2) if United States Immigration and Customs Enforcement does not have the results of the immigration status verification under Subdivision (1), notify United States Immigration and Customs Enforcement of the results of the immigration status verification if the verification reveals that the person:

(A) is not a citizen or national of the United States; and

1 (B) is unlawfully present in the United States
2 according to the terms of the Immigration Reform and Control Act of
3 1986 (8 U.S.C. Section 1101 et seq.).

4 SECTION 2. This Act takes effect September 1, 2011.