

By: Kolkhorst, Madden, et al.

H.B. No. 1455

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the release or discharge by a law enforcement agency of
3 certain illegal immigrants at the office of a United States senator
4 or United States representative.

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

6 SECTION 1. Chapter 16, Code of Criminal Procedure, is
7 amended by adding Article 16.23 to read as follows:

8 Art. 16.23. RELEASE OR DISCHARGE OF CERTAIN ILLEGAL
9 IMMIGRANTS. (a) In this article, "illegal immigrant" means a
10 person who:

11 (1) is not a citizen or national of the United States;
12 and

13 (2) is unlawfully present in the United States
14 according to the terms of the Immigration Reform and Control Act of
15 1986 (8 U.S.C. Section 1101 et seq.).

16 (b) This article applies only to an illegal immigrant who:

17 (1) is entitled to be released on bail or discharged
18 following the completion of the immigrant's sentence; and

19 (2) is not subject to an immigration detainer issued
20 by United States Immigration and Customs Enforcement prohibiting
21 the person's release or discharge.

22 (c) A law enforcement agency that has custody of an illegal
23 immigrant to whom this article applies may:

24 (1) release or discharge the illegal immigrant at the

1 office of a United States senator or United States representative
2 during that office's normal business hours; and

3 (2) request an agent or employee of the United States
4 senator or United States representative to sign a document
5 acknowledging the release or discharge of the illegal immigrant at
6 the senator's or representative's office.

7 (d) Subsection (c) does not apply to an illegal immigrant
8 for whom release or discharge at a location described by Subsection
9 (c) is prohibited by a court order or other law.

10 (e) A law enforcement agency may maintain a record of each
11 illegal immigrant released or discharged from the custody of the
12 agency who is not transferred to the custody of United States
13 Immigration and Customs Enforcement.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2011.