

By: Krause

H.B. No. 359

A BILL TO BE ENTITLED

AN ACT

relating to the verification of 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 2.251 to read as follows:

Art. 2.251. VERIFICATION OF IMMIGRATION STATUS OF ARRESTED PERSON. (a) Not later than 48 hours after a person is arrested and before the person is released on bond, the law enforcement agency that has custody of the person shall:

(1) verify the person's immigration status by:

(A) using the federal Secure Communities program operated by United States Immigration and Customs Enforcement or a successor program; or

(B) requesting information regarding the person's immigration status from:

(i) 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

(ii) a federal immigration officer, in accordance with 8 U.S.C. Section 1373(c); and

(2) notify United States Immigration and Customs Enforcement and the judge or magistrate authorized to grant or deny the person's release on bail under Chapter 17 if information

1 received following a request under Subdivision (1)(B) reveals that
2 the person:

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

5 (B) is unlawfully present in the United States
6 according to the terms of the Immigration and Nationality Act (8
7 U.S.C. Section 1101 et seq.).

8 (b) A law enforcement agency is not required to perform the
9 duties imposed by Subsection (a) with respect to a person who is
10 transferred to the custody of the agency by another law enforcement
11 agency if the transferring agency performed those duties before
12 transferring custody of the person.

13 SECTION 2. This Act takes effect September 1, 2013.