

By: Rodriguez

S.B. No. 527

A BILL TO BE ENTITLED

AN ACT

relating to the detention by local law enforcement agencies of certain persons subject to federal immigration detainers.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.253 to read as follows:

Art. 2.253. DETENTION OF CERTAIN PERSONS SUBJECT TO IMMIGRATION DETAINER. (a) A local law enforcement agency that has custody of a person who is subject to an immigration detainer issued by United States Immigration and Customs Enforcement and who is charged with a criminal offense may not detain the person under the authority of the immigration detainer after the date on which the person posts bail or discharges the person's sentence, unless the person is charged with or has been convicted of an offense listed in Section 3g(a)(1), Article 42.12, in which event the local law enforcement agency shall detain the person in accordance with the immigration detainer.

(b) A local law enforcement agency that has custody of a person who is subject to an immigration detainer issued by United States Immigration and Customs Enforcement and who is not charged with any criminal offense may not detain the person under the authority of the immigration detainer, regardless of whether the person is a victim of, or a witness to the commission of, an offense listed in Section 3g(a)(1), Article 42.12, the investigation and

1 prosecution of which is not complete at the time of the person's
2 detention.

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