

By: Krause

H.B. No. 592

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the duties of a law enforcement agency regarding the  
3 immigration status of an arrested person and the enforcement of an  
4 immigration detainer.

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

6 SECTION 1. Chapter 2, Code of Criminal Procedure, is  
7 amended by adding Articles 2.251 and 2.252 to read as follows:

8 Art. 2.251. DUTIES RELATED TO ARRESTED PERSON. (a) Not  
9 later than 48 hours after a person is arrested and before the person  
10 is released on bond, a law enforcement agency performing the  
11 booking process shall:

12 (1) review any information available under the federal  
13 Secure Communities program operated by United States Immigration  
14 and Customs Enforcement or a successor program; or

15 (2) request information regarding the person's  
16 immigration status from:

17 (A) a peace officer or other law enforcement  
18 officer of this state who is authorized under federal law to verify  
19 a person's immigration status; or

20 (B) a federal immigration officer, in accordance  
21 with 8 U.S.C. Section 1373(c).

22 (b) A law enforcement agency is not required to perform the  
23 duties imposed by Subsection (a) with respect to a person who is  
24 transferred to the custody of the agency by another law enforcement

1 agency if the transferring agency performed those duties before  
2 transferring custody of the person.

3 Art. 2.252. DUTIES RELATED TO IMMIGRATION DETAINER. A law  
4 enforcement agency that has custody of a person subject to an  
5 immigration detainer issued by United States Immigration and  
6 Customs Enforcement shall:

7 (1) provide to the judge or magistrate authorized to  
8 grant or deny the person's release on bail under Chapter 17 notice  
9 that the person is subject to an immigration detainer; and

10 (2) detain the person as required by the immigration  
11 detainer.

12 SECTION 2. This Act takes effect September 1, 2015.