

By: Capriglione

H.B. No. 1778

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 requesting information regarding the person's immigration status:

(A) from 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) through a program operated by an agency of the federal government for the purpose of providing immigration status information to law enforcement agencies; and

(2) if the information obtained under Subdivision (1) reveals that the person is not a citizen or national of the United States and is unlawfully present in the United States according to the terms of the Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.), provide notice of that fact to:

(A) the judge or magistrate authorized to grant

1 or deny the person's release on bail under Chapter 17; and

2 (B) United States Immigration and Customs
3 Enforcement.

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

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