

By: Fallon

H.B. No. 4117

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

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

SECTION 1. Chapter 370, Local Government Code, is amended by adding Section 370.0031 to read as follows:

Sec. 370.0031. LOCAL GOVERNMENT POLICY REGARDING ENFORCEMENT OF STATE AND FEDERAL IMMIGRATION LAWS. (a) This section applies to the following entities:

(1) the governing body of a municipality, county, or special district or authority; and

(2) an officer, employee, or other body that is part of a municipality, county, or special district or authority, including a sheriff, municipal police department, municipal attorney, or county attorney; and

(3) a district attorney or criminal district attorney.

(b) An entity described by Subsection (a) may not adopt a rule, order, ordinance, or policy under which the entity prohibits the enforcement of the laws of this state or federal law relating to immigrants or immigration, including the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.).

(c) An entity described by Subsection (a) or a person employed by or otherwise under the direction or control of the entity may not consider race, color, language, or national origin

1 while enforcing the laws described by Subsection (b) except to the
2 extent permitted by the United States Constitution or the Texas
3 Constitution.

4 (d) An entity described by Subsection (a) may not receive
5 state grant funds if the entity adopts a rule, order, ordinance, or
6 policy under which the entity prohibits the enforcement of the laws
7 described by Subsection (b) or, by consistent actions, prohibits
8 the enforcement of those laws. State grant funds for the entity
9 shall be denied for the fiscal year following the year in which a
10 final judicial determination in an action brought under this
11 section is made that the entity has intentionally prohibited the
12 enforcement of the laws described by Subsection (b).

13 (e) Any citizen residing in the jurisdiction of an entity
14 described by Subsection (a) may file a complaint with the attorney
15 general if the citizen offers evidence to support an allegation
16 that the entity has adopted a rule, order, ordinance, or policy
17 under which the entity prohibits the enforcement of the laws
18 described by Subsection (b) or that the entity, by consistent
19 actions, prohibits the enforcement of those laws. The citizen must
20 include with the complaint the evidence the citizen has that
21 supports the complaint.

22 (f) If the attorney general determines that a complaint
23 filed under Subsection (e) against an entity described by
24 Subsection (a) is valid, the attorney general may file a petition
25 for a writ of mandamus or apply for other appropriate equitable
26 relief in a district court in Travis County or in a county in which
27 the principal office of an entity described by Subsection (a) is

1 located to compel the entity that adopts a rule, order, ordinance,
2 or policy under which the local entity prohibits the enforcement of
3 the laws described by Subsection (b) or that, by consistent
4 actions, prohibits the enforcement of those laws to comply with
5 Subsection (b). The attorney general may recover reasonable
6 expenses incurred in obtaining relief under this subsection,
7 including court costs, reasonable attorney's fees, investigative
8 costs, witness fees, and deposition costs.

9 (g) An appeal of a suit brought under Subsection (f) is
10 governed by the procedures for accelerated appeals in civil cases
11 under the Texas Rules of Appellate Procedure. The appellate court
12 shall render its final order or judgment with the least possible
13 delay.

14 SECTION 2. The heading to Chapter 370, Local Government
15 Code, is amended to read as follows:

16 CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO [~~MUNICIPAL AND~~
17 ~~COUNTY~~] HEALTH AND PUBLIC SAFETY APPLYING TO MORE THAN ONE TYPE OF
18 LOCAL GOVERNMENT

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2015.