

By: Uresti

H.B. No. 317

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the repeal of certain provisions governing state and  
3 local enforcement of immigration laws and other provisions related  
4 to immigration law.

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

6 SECTION 1. The following provisions that are effective  
7 September 1, 2017, are repealed:

- 8 (1) Articles [2.13](#)(d) and (e), Code of Criminal  
9 Procedure, as added by S.B. 4, Acts of the 85th Legislature,  
10 Regular Session, 2017;
- 11 (2) Article 2.251, Code of Criminal Procedure;
- 12 (3) Article [17.16](#)(a-1), Code of Criminal Procedure;
- 13 (4) Article 42.039, Code of Criminal Procedure;
- 14 (5) Section 402.0241, Government Code;
- 15 (6) Subchapter C, Chapter [752](#), Government Code;
- 16 (7) Section 772.0073, Government Code, as added by  
17 S.B. 4, Acts of the 85th Legislature, Regular Session, 2017;
- 18 (8) Section [87.031](#)(c), Local Government Code; and
- 19 (9) Section 39.07, Penal Code.

20 SECTION 2. Article [17.16](#)(a), Code of Criminal Procedure, as  
21 effective September 1, 2017, is amended to read as follows:

22 (a) A surety may before forfeiture relieve the surety of the  
23 surety's undertaking by:

- 24 (1) surrendering the accused into the custody of the

1 sheriff of the county where the prosecution is pending; or  
2 (2) delivering to the sheriff of the county in which  
3 the prosecution is pending and to the office of the prosecuting  
4 attorney an affidavit stating that the accused is incarcerated in~~[+~~  
5 ~~[(A)]~~ federal custody, in ~~[subject to Subsection~~  
6 ~~(a-1)]~~;  
7 ~~[(B)]~~ the custody of any state, ~~[+]~~ or in  
8 ~~[(C)]~~ any county of this state.

9 SECTION 3. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect on the 91st day after the last day of the  
14 legislative session.