

By: Garcia, Rodríguez

S.B. No. 108

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of federal immigration law at places of worship, hospitals, public schools, and courthouses.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.255 to read as follows:

Art. 2.255. ENFORCEMENT OF FEDERAL IMMIGRATION LAW AT PLACES OF WORSHIP, HOSPITALS, PUBLIC SCHOOLS, AND COURTHOUSES. (a) A law enforcement agency or other governmental entity that employs a peace officer shall adopt and enforce a policy that prohibits the agency's or entity's peace officers from participating in the enforcement of federal law relating to aliens, immigrants, or immigration, including the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.), on the property of a place of worship, hospital, public school, including a public institution of higher education, or courthouse.

(b) The attorney general, in consultation with agencies and entities described by Subsection (a), shall develop and publish a model policy on the attorney general's Internet website for the enforcement of federal immigration law at places of worship, hospitals, public schools, and courthouses to ensure that those facilities remain safe and accessible to all residents of this state regardless of immigration status.

SECTION 2. Section 752.053, Government Code, as effective

1 September 1, 2017, is amended to read as follows:

2 Sec. 752.053. POLICIES AND ACTIONS REGARDING IMMIGRATION
3 ENFORCEMENT. (a) Except as provided by Article 2.255, Code of
4 Criminal Procedure, a [A] local entity or campus police department
5 may not:

6 (1) adopt, enforce, or endorse a policy under which
7 the entity or department prohibits or materially limits the
8 enforcement of immigration laws;

9 (2) as demonstrated by pattern or practice, prohibit
10 or materially limit the enforcement of immigration laws; or

11 (3) for an entity that is a law enforcement agency or
12 for a department, as demonstrated by pattern or practice,
13 intentionally violate Article 2.251, Code of Criminal Procedure.

14 (b) Except as provided by Article 2.255, Code of Criminal
15 Procedure [In compliance with Subsection (a)], a local entity or
16 campus police department, in compliance with Subsection (a), may
17 not prohibit or materially limit a person who is a commissioned
18 peace officer described by Article 2.12, Code of Criminal
19 Procedure, a corrections officer, a booking clerk, a magistrate, or
20 a district attorney, criminal district attorney, or other
21 prosecuting attorney and who is employed by or otherwise under the
22 direction or control of the entity or department from doing any of
23 the following:

24 (1) inquiring into the immigration status of a person
25 under a lawful detention or under arrest;

26 (2) with respect to information relating to the
27 immigration status, lawful or unlawful, of any person under a

1 lawful detention or under arrest, including information regarding
2 the person's place of birth:

3 (A) sending the information to or requesting or
4 receiving the information from United States Citizenship and
5 Immigration Services, United States Immigration and Customs
6 Enforcement, or another relevant federal agency;

7 (B) maintaining the information; or

8 (C) exchanging the information with another
9 local entity or campus police department or a federal or state
10 governmental entity;

11 (3) assisting or cooperating with a federal
12 immigration officer as reasonable or necessary, including
13 providing enforcement assistance; or

14 (4) permitting a federal immigration officer to enter
15 and conduct enforcement activities at a jail to enforce federal
16 immigration laws.

17 (c) Notwithstanding Subsection (b)(3) and subject to
18 Article 2.255, Code of Criminal Procedure, a local entity or campus
19 police department may prohibit persons who are employed by or
20 otherwise under the direction or control of the entity or
21 department from assisting or cooperating with a federal immigration
22 officer if the assistance or cooperation occurs at a place of
23 worship.

24 SECTION 3. This Act takes effect December 1, 2017.