

By: Shaheen

H.B. No. 763

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

(1) review any information available under the federal Priority Enforcement Program operated by United States Immigration and Customs Enforcement or a successor program; or

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

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

(b) A law enforcement agency is not required to perform the duties imposed by Subsection (a) with respect to a person who is 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, 2017.