

By: Johnson of Dallas

H.B. No. 1855

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a prohibition on certain law enforcement inquiries  
3 regarding the nationality or immigration status of a victim of or  
4 witness to a criminal offense.

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

6 SECTION 1. Article 2.13, Code of Criminal Procedure, is  
7 amended by adding Subsections (d) and (e) to read as follows:

8 (d) Subject to Subsection (e), in the course of  
9 investigating an alleged criminal offense, a peace officer may  
10 inquire as to the nationality or immigration status of a victim of  
11 or witness to the offense only if the officer determines that the  
12 inquiry is necessary to:

13 (1) investigate the offense; or

14 (2) provide the victim or witness with information  
15 about federal visas designed to protect individuals providing  
16 assistance to law enforcement.

17 (e) Subsection (d) does not prevent a peace officer from:

18 (1) conducting a separate investigation of any other  
19 alleged criminal offense; or

20 (2) inquiring as to the nationality or immigration  
21 status of a victim of or witness to a criminal offense if the  
22 officer has probable cause to believe that the victim or witness has  
23 engaged in specific conduct constituting a separate criminal  
24 offense.

1           SECTION 2. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2017.