86R9329 ADM-D

By:  Bernal H.B. No. 1795

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement by certain entities of state and federal immigration laws with respect to persons younger than 18 years of age.

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

SECTION 1.  Article 2.251, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c)  A law enforcement agency is not required to perform a duty imposed by Subsection (a) with respect to a person who is younger than 18 years of age.

SECTION 2.  Section 752.053(b), Government Code, is amended to read as follows:

(b)  In compliance with Subsection (a), a local entity or campus police department may not prohibit or materially limit a person who is a commissioned peace officer described by Article 2.12, Code of Criminal Procedure, a corrections officer, a booking clerk, a magistrate, or a district attorney, criminal district attorney, or other prosecuting attorney and who is employed by or otherwise under the direction or control of the entity or department from doing any of the following:

(1)  inquiring into the immigration status of a person who is 18 years of age or older and is under a lawful detention or under arrest;

(2)  with respect to information relating to the immigration status, lawful or unlawful, of any person who is 18 years of age or older and is under a lawful detention or under arrest, including information regarding the person's place of birth:

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

(B)  maintaining the information; or

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

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

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

SECTION 3.  Section 39.07, Penal Code, is amended by adding Subsection (d) to read as follows:

(d)  It is an exception to the application of this section that the person who was subject to an immigration detainer request described by Subsection (a)(1) was, at the time the detainer request was received, younger than 18 years of age.

SECTION 4.  The change in law made by this Act in amending Section 39.07, Penal Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5.  This Act takes effect September 1, 2019.