86R9281 ADM-D

By:  Rodríguez S.B. No. 1165

A BILL TO BE ENTITLED

AN ACT

relating to an inquiry by a peace officer as to the nationality or immigration status of a person presumed to be a family violence victim or witness.

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

SECTION 1.  Subchapter C, Chapter 752, Government Code, is amended by adding Section 752.0531 to read as follows:

Sec. 752.0531.  POLICY ON IMMIGRATION INQUIRIES DIRECTED TO PERSON PRESUMED TO BE FAMILY VIOLENCE VICTIM OR WITNESS. (a) In this section, "family violence" has the meaning assigned by Section 71.004, Family Code.

(b)  Notwithstanding any other provision of this subchapter, a local entity or campus police department may adopt, enforce, and endorse a policy to provide guidance to peace officers regarding the application of Article 2.13(d), Code of Criminal Procedure, as added by Chapter 4 (S.B. 4), Acts of the 85th Legislature, Regular Session, 2017, to a person presumed to be a victim of or witness to family violence.

(c)  A policy adopted under this section:

(1)  must provide specific criteria to enable a peace officer to determine whether a person is likely to have been a victim of or witness to family violence; and

(2)  may be designed for the purpose of limiting inquiries regarding the nationality or immigration status of those persons.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.