

By: Ortega

H.B. No. 1217

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the inquiry of immigration status of a person under a
3 lawful detention by certain persons under the direction or control
4 of a local governmental entity or campus police department.

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

6 SECTION 1. Section 752.053(b), Government Code, is amended
7 to read as follows:

8 (b) In compliance with Subsection (a), a local entity or
9 campus police department may not prohibit or materially limit a
10 person who is a commissioned peace officer described by Article
11 2.12, Code of Criminal Procedure, a corrections officer, a booking
12 clerk, a magistrate, or a district attorney, criminal district
13 attorney, or other prosecuting attorney and who is employed by or
14 otherwise under the direction or control of the entity or
15 department from doing any of the following:

16 (1) inquiring into the immigration status of a person
17 ~~[under a lawful detention or]~~ under arrest;

18 (2) with respect to information relating to the
19 immigration status, lawful or unlawful, of any person ~~[under a~~
20 ~~lawful detention or]~~ under arrest, including information regarding
21 the person's place of birth:

22 (A) sending the information to or requesting or
23 receiving the information from United States Citizenship and
24 Immigration Services, United States Immigration and Customs

1 Enforcement, or another relevant federal agency;

2 (B) maintaining the information; or

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

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

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

12 SECTION 2. Section 752.051(4), Government Code, is
13 repealed.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2019.