

By: Bernal

H.B. No. 177

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the enforcement by certain entities of state and
3 federal immigration laws with respect to persons younger than 18
4 years of age.

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

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

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

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

13 (b) In compliance with Subsection (a), a local entity or
14 campus police department may not prohibit or materially limit a
15 person who is a commissioned peace officer described by Article
16 2.12, Code of Criminal Procedure, a corrections officer, a booking
17 clerk, a magistrate, or a district attorney, criminal district
18 attorney, or other prosecuting attorney and who is employed by or
19 otherwise under the direction or control of the entity or
20 department from doing any of the following:

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

24 (2) with respect to information relating to the

1 immigration status, lawful or unlawful, of any person who is 18
2 years of age or older and is under a lawful detention or under
3 arrest, including information regarding the person's place of
4 birth:

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

9 (B) maintaining the information; or

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

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

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

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

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

25 SECTION 4. The change in law made by this Act in amending
26 Section 39.07, Penal Code, applies only to an offense committed on
27 or after the effective date of this Act. An offense committed

1 before the effective date of this Act is governed by the law in
2 effect on the date the offense was committed, and the former law is
3 continued in effect for that purpose. For purposes of this section,
4 an offense was committed before the effective date of this Act if
5 any element of the offense occurred before that date.

6 SECTION 5. This Act takes effect September 1, 2021.