88R13452 AMF-D

By:  Frazier H.B. No. 3960

A BILL TO BE ENTITLED

AN ACT

relating to contracts or agreements entered into by governmental entities involving the enforcement of immigration law or common or contract carriers.

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

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

SUBCHAPTER D. AGREEMENTS WITH UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

Sec. 752.071.  AGREEMENT ON ENFORCING FEDERAL IMMIGRATION LAW. (a) A governmental entity that employs or appoints a peace officer described by Article 2.12, Code of Criminal Procedure, may request and, as offered, enter into a written agreement with the United States Immigration and Customs Enforcement under Section 287(g), Immigration and Nationality Act (8 U.S.C. Section 1357) to authorize officers and employees of the governmental entity to enforce federal immigration law.

(b)  An agreement entered into under this section must include the scope, duration, and limitations of the authority.

SECTION 2.  Subtitle F, Title 10, Government Code, is amended by adding Chapter 2278 to read as follows:

CHAPTER 2278. PROHIBITED CONTRACTS OR AGREEMENTS WITH COMMON OR CONTRACT CARRIERS

Sec. 2278.001.  DEFINITION. In this chapter, "governmental entity" means a state agency or a political subdivision of this state.

Sec. 2278.002.  PROHIBITED CONTRACT OR AGREEMENT WITH PERSONS PROVIDING TRANSPORTATION SERVICES TO UNLAWFULLY PRESENT PERSONS. A governmental entity may not enter into a contract or other agreement with a common carrier or contract carrier if the carrier knowingly provides any service in furtherance of transporting a person who is unlawfully present in the United States, according to the terms of the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.), into this state, unless the carrier is transporting the person to facilitate the detention or removal of the person from this state or the United States.

Sec. 2278.003.  REQUIRED PROVISIONS RELATED TO TRANSPORTATION OF UNLAWFULLY PRESENT PERSONS. A contract or agreement between a governmental entity and a common carrier or contract carrier must contain:

(1)  a written verification from the carrier that the carrier does not knowingly provide and will not knowingly provide during the term of the contract or agreement any service in furtherance of transporting a person who is unlawfully present in the United States, according to the terms of the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.), into this state, except to facilitate the detention or removal of the person from this state or the United States; and

(2)  a provision allowing the governmental entity to terminate the contract or agreement without penalty if the carrier is found to be in violation of the written verification under Subdivision (1).

SECTION 3.  Chapter 2278, Government Code, as added by this Act, applies only to a contract or agreement entered into on or after the effective date of this Act.

SECTION 4.  This Act takes effect September 1, 2023.