

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

1 entity" means a state agency or a political subdivision of this
2 state.

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

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

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

26 (2) a provision allowing the governmental entity to
27 terminate the contract or agreement without penalty if the carrier

1 is found to be in violation of the written verification under
2 Subdivision (1).

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

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