

AT Linder Balk



FLOOR AMENDMENT NO. _____

BY: Spiller

Amend S.B. 8 (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Title 7, Government Code, is amended by adding Chapter 753 to read as follows:

CHAPTER 753. IMMIGRATION LAW ENFORCEMENT AGREEMENTS BETWEEN

SHERIFFS AND FEDERAL GOVERNMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 753.001. DEFINITIONS. In this chapter:

(1) "Immigration enforcement agency" means the United States Immigration and Customs Enforcement.

(2) "Immigration law enforcement agreement" means a written agreement between a state or local law enforcement official and the immigration enforcement agency under Section 287(g), Immigration and Nationality Act (8 U.S.C. Section 1357(g)), or a similar federal program, that authorizes the official and the official's officers, employees, and contractors to enforce federal immigration law. The term includes a warrant service model agreement.

(3) "Warrant service model agreement" means a written agreement between a state or local law enforcement official who operates a jail, or contracts with a private vendor to operate a jail, and the immigration enforcement agency under Section 287(g), Immigration and Nationality Act (8 U.S.C. Section 1357(g)), or a similar federal program, that authorizes the official and the official's officers, employees, and contractors to:

(A) serve and execute warrants of arrest for immigration violations in the jail on designated aliens at the time of the alien's scheduled release from criminal custody in order to transfer custody of the alien to the immigration enforcement

1 agency; and

2 (B) serve warrants of removal on designated
3 aliens in the jail at the time of the alien's scheduled release from
4 criminal custody that execute the custodial transfer of the alien
5 to the immigration enforcement agency for removal purposes.

6 Sec. 753.002. GIFTS, GRANTS, AND DONATIONS. The
7 comptroller may accept gifts, grants, and donations to establish
8 and administer the grant program and reimbursement program
9 established under this chapter.

10 Sec. 753.003. EFFECT ON COUNTY APPROPRIATIONS. In relation
11 to money received from a grant or reimbursement awarded to a sheriff
12 under this chapter, the commissioners court of the county the
13 sheriff serves may not reduce the appropriation to the sheriff's
14 department in response to the sheriff receiving the grant or
15 reimbursement.

16 SUBCHAPTER B. IMMIGRATION LAW ENFORCEMENT AGREEMENTS REQUIRED

17 Sec. 753.051. WARRANT SERVICE MODEL AGREEMENTS. (a)
18 Except as provided by Section 753.052, the sheriff of each county
19 that operates a jail or contracts with a private vendor to operate a
20 jail shall request and enter into a warrant service model agreement
21 with the immigration enforcement agency.

22 (b) A sheriff who requested but did not enter into a warrant
23 service model agreement under this section shall make additional
24 requests to enter into a warrant service model agreement under this
25 section at least once annually after each request is made, unless
26 the sheriff entered into an immigration law enforcement agreement
27 under Section 753.052 and that agreement is in effect.

28 Sec. 753.052. ALTERNATIVE IMMIGRATION LAW ENFORCEMENT
29 AGREEMENTS. A sheriff may satisfy the requirements of Section
30 753.051 by entering into an immigration law enforcement agreement
31 with the immigration enforcement agency that grants the sheriff and

1 the sheriff's officers, employees, and contractors authority to
2 enforce federal immigration law in a manner that exceeds the
3 authority granted under a warrant service model agreement.

4 Sec. 753.053. IMMIGRATION LAW ENFORCEMENT AGREEMENT
5 REQUIREMENTS. An immigration law enforcement agreement entered
6 into under this subchapter must include the scope, duration, and
7 limitations of the authority to enforce federal immigration law.

8 Sec. 753.054. ALLOCATION OF RESOURCES. A sheriff who
9 enters into an immigration law enforcement agreement under this
10 subchapter shall allocate the necessary resources, including
11 personnel and funding, to ensure the proper implementation of the
12 agreement, including the resources necessary to meet any reasonable
13 objectives for enforcement set forth in the agreement.

14 SUBCHAPTER C. GRANT PROGRAM

15 Sec. 753.101. ESTABLISHMENT AND ADMINISTRATION. From any
16 money appropriated or otherwise available for this purpose, the
17 comptroller shall establish and administer a grant program to
18 support the state purpose of assisting sheriffs participating in
19 immigration law enforcement agreements under Subchapter B that have
20 the authority granted under a warrant service model agreement.

21 Sec. 753.102. ELIGIBILITY AND APPLICATION. (a) A sheriff
22 is eligible to apply for a grant under this subchapter if the
23 sheriff has entered into an immigration law enforcement agreement
24 under Subchapter B that has the authority granted under a warrant
25 service model agreement.

26 (b) The comptroller by rule may require an applicant to
27 submit information or documentation with respect to a grant
28 application submitted under this section.

29 Sec. 753.103. AWARD. (a) On approval of an application
30 submitted under Section 753.102 and using money appropriated to the
31 comptroller or otherwise available for this purpose, the

1 comptroller shall award a grant to an eligible sheriff who applies
2 for the grant as provided by Subsection (b).

3 (b) The amount of grant money awarded to a sheriff must be
4 determined based on the population of the county the sheriff serves
5 according to the following tiers:

6 (1) \$5,000 for a county with a population of 99,999 or
7 less;

8 (2) \$10,000 for a county with a population of at least
9 100,000 but not more than 499,999;

10 (3) \$20,000 for a county with a population of at least
11 500,000 but not more than 999,999; and

12 (4) \$40,000 for a county with a population of at least
13 one million.

14 (c) A sheriff who is awarded a grant under this section must
15 use the grant money to pay the costs associated with the authority
16 granted under a warrant service model agreement that are not
17 reimbursed by the federal government.

18 (d) A sheriff may receive only one grant under this section.

19 SUBCHAPTER D. REIMBURSEMENT PROGRAM

20 Sec. 753.151. ESTABLISHMENT AND ADMINISTRATION. (a) From
21 any money appropriated or otherwise available for this purpose, the
22 comptroller shall establish and administer an annual reimbursement
23 program to support the state purpose of assisting sheriffs
24 participating in immigration law enforcement agreements under
25 Subchapter B for expenses incurred in relation to the authority
26 granted under a warrant service model agreement.

27 (b) The comptroller shall adopt rules necessary to
28 administer the reimbursement program, including setting
29 application deadlines.

30 Sec. 753.152. ELIGIBILITY AND APPLICATION. (a) A sheriff
31 is eligible to apply for reimbursement under this subchapter for

1 expenses incurred in relation to the authority granted under a
2 warrant service model agreement if the sheriff has entered into an
3 immigration law enforcement agreement under Subchapter B.

4 (b) An application by a sheriff must include:

5 (1) the number and name of each inmate who has been
6 held by the sheriff subject to an immigration detainer issued by the
7 immigration enforcement agency;

8 (2) the number of days the sheriff held each inmate
9 subject to an immigration detainer issued by the immigration
10 enforcement agency; and

11 (3) the costs to the county for holding the inmates
12 described by this subsection.

13 (c) The comptroller by rule may require an applicant to
14 submit additional information or documentation with respect to a
15 reimbursement application submitted under this section.

16 Sec. 753.153. AWARD. (a) On approval of an application
17 submitted under Section 753.152 and using money appropriated to the
18 comptroller or otherwise available for this purpose, the
19 comptroller shall reimburse each eligible sheriff who applies for
20 reimbursement on a prorated basis.

21 (b) The comptroller by rule shall prescribe the process for
22 determining and prorating how much money an eligible sheriff may
23 receive for reimbursement.

24 SUBCHAPTER E. REPORTING AND ENFORCEMENT

25 Sec. 753.201. REPORTING. Not later than December 1 of each
26 even-numbered year, the comptroller shall prepare a written report
27 on sheriffs participating in immigration law enforcement
28 agreements under Subchapter B using information provided to the
29 comptroller under Subchapters C and D and submit the report to the
30 governor, lieutenant governor, and speaker of the house of
31 representatives.

1 Sec. 753.202. ENFORCEMENT BY ATTORNEY GENERAL. (a) The
2 attorney general may bring an action against a sheriff who fails to
3 comply with Subchapter B in a district court for appropriate
4 equitable relief.

5 (b) The attorney general may recover reasonable expenses
6 incurred in obtaining relief under Subsection (a), including court
7 costs, reasonable attorney's fees, investigative costs, witness
8 fees, and deposition costs.

9 (c) An action brought against a sheriff under this section
10 must be brought in a district court for the county served by the
11 sheriff.

12 SECTION 2. Not later than December 1, 2026, the sheriff of
13 each county shall comply with Subchapter B, Chapter 753, Government
14 Code, as added by this Act.

15 SECTION 3. This Act takes effect January 1, 2026.