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| BILL ANALYSIS |

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| H.B. 5580 |
| By: Spiller |
| Intergovernmental Affairs |
| Committee Report (Unamended) |

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| **BACKGROUND AND PURPOSE**  The bill author has informed the committee that, while sheriffs currently have the authority to partner with U.S. Immigration and Customs Enforcement (ICE) under federal law, there is no requirement or framework under state law that ensures consistent cooperation with federal authorities across Texas. The bill author has also informed the committee that, as a result, some sheriffs in high-population counties have declined to enter into agreements with federal authorities, despite the availability of federal resources and programs, and that sheriffs in smaller counties or counties with fewer resources who are interested in partnering with ICE may lack the financial capacity to do so, creating an uneven immigration enforcement landscape across the state. H.B. 5580 seeks to strengthen cooperation between local and federal law enforcement agencies in the enforcement of immigration law and create a clear and consistent legal structure that provides resources and implements accountability measures to support enforcement of federal immigration law at the local level. |
| **CRIMINAL JUSTICE IMPACT**  It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY**  It is the committee's opinion that rulemaking authority is expressly granted to the comptroller of public accounts in SECTION 1 of this bill. |
| **ANALYSIS**  H.B. 5580 amends the Government Code to set out provisions relating to written agreements with U.S. Immigration and Customs Enforcement under the federal Immigration and Nationality Act or an agreement under a similar federal program for purposes of authorizing officers and employees of a sheriff's department to enforce federal immigration law.  **Immigration Enforcement Agreements**  H.B. 5580 requires the sheriff of each county with a population of 100,000 or more to request, and as offered, enter into such an agreement for such purposes and requires such a sheriff to comply with this requirement not later than December 1, 2026. The bill requires the sheriff of such a county, upon requesting but not being offered a written agreement for such purposes, to make additional requests to enter into a written agreement at least once annually after each request is made. The bill authorizes the sheriff of a county with a population of less than 100,000 to request, and as offered, to also enter into an agreement for such purposes.  H.B. 5580 requires an agreement entered into under the bill's provisions to include the scope, duration, and limitations of the authority to enforce federal immigration law and requires a sheriff who enters into such an agreement to allocate the necessary resources, including personnel and funding, to ensure the proper implementation of the agreement, including the resources necessary to meet any reasonable objectives for enforcement set forth in the agreement.  **Grant Program for Sheriffs of Certain Counties Implementing Immigration Enforcement Agreement**  H.B. 5580 requires the comptroller of public accounts, from any money appropriated or otherwise available for the purpose, to establish and administer a competitive grant program to support the state purpose of assisting sheriffs serving counties participating in agreements in which officers and employees of the sheriffs' departments are authorized to enforce federal immigration law. A sheriff is eligible to apply for such a grant if the sheriff serves a county that has a population of less than one million and has entered into an agreement under the bill's provisions. The application must include a detailed plan on how the sheriff intends to implement and sustain the sheriff's participation in the agreement.  H.B. 5580 requires the comptroller, on approval of the grant application and using any money available to the comptroller for the purpose, to award a grant to an eligible sheriff who applies for the grant. The bill requires the comptroller to award grant money in a manner that fairly distributes the money among sheriffs awarded the grants and requires each award to a sheriff to be proportional to the population of the county the sheriff serves. The bill requires a sheriff who is awarded a grant to use the grant money to pay the costs associated with participating in the agreement that are not reimbursed by the federal government. The bill limits the purposes for which the grant money may be spent to the following purposes over a two-year period:   * compensation for peace officers participating in the agreement; * generating and delivering reports required by the agreement, including reports required by the bill; * equipment for peace officers related to the agreement, including the cost of repairing or replacing equipment required, but not provided, under the agreement; * attendance by a peace officer at any training or other event required under the agreement; and * other expenses associated with participating in the agreement as determined by the comptroller.   H.B. 5580 requires the comptroller to adopt rules necessary to implement the bill's provisions regarding the grant program, including rules that establish the following:   * a standardized application process, including the form to be used to apply for a grant and the manner of submitting the form; * deadlines for:   + applying for the grant;   + submitting detailed documentation necessary to demonstrate the sheriff's costs in participating in the agreement that is the subject of the grant at least once each quarter;   + distributing grant money; and   + spending grant money; and * procedures for monitoring the distribution of grant money to ensure compliance with the bill and for returning grant money that was not used by a sheriff for a purpose authorized by the bill.   The bill authorizes the comptroller to accept gifts, grants, and donations to establish and administer the grant program. In relation to money received from a grant awarded to a sheriff under the bill's provisions, the bill prohibits the commissioners court of the county the sheriff serves from reducing the appropriation to the sheriff's department in response to the sheriff receiving the grant.  **Reporting and Accountability**  H.B. 5580 requires a sheriff who has entered into an agreement under the bill's provisions to annually submit a written report to the comptroller and the attorney general, which must provide details on the sheriff's activities, expenditures, and outcomes related to the agreement. If the sheriff of a county with a population of 100,000 or more has not entered into an agreement as required by the bill, the sheriff must annually provide proof to the attorney general of the sheriff's attempt to enter into an agreement.  H.B. 5580 requires the comptroller, in collaboration with the attorney general, to prepare an annual written report on participation in agreements entered into under the bill and submit the report to the governor, lieutenant governor, and speaker of the house of representatives. The bill requires the report to include the following:   * a summary of the annual reports submitted to the comptroller and the attorney general by sheriffs who entered into an agreement; * details on the grant program, including the number of sheriffs participating and total amount of money distributed; and * a summary of any enforcement actions taken by the attorney general under the bill's provisions.   **Enforcement by Attorney General**    H.B. 5580 authorizes the attorney general to bring an action against a sheriff who fails to comply with the bill's provisions in a district court for appropriate equitable relief and to recover reasonable expenses incurred in obtaining relief, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs. |
| **EFFECTIVE DATE**  September 1, 2025. |