

BILL ANALYSIS

Senate Research Center

S.B. 8
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State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas is responsible for securing approximately 1,254 miles of the U.S.-Mexico border, making it the state with the longest border to secure. This responsibility requires ongoing coordination and collaboration among various levels of government, especially law enforcement agencies and local jails. Despite having one of the highest populations of undocumented immigrants, only 35 counties in Texas currently participate in the Immigration and Customs Enforcement (ICE) 287(g) program, which helps identify and detain criminal aliens.

The ICE 287(g) program provides local law enforcement with training and the authority to verify the immigration status of individuals booked into their facilities. If someone is found to be in the country illegally during the booking process, the program allows the agency to issue a federal immigration detainer, holding the individual for up to 48 hours until ICE can take custody.

To strengthen efforts against illegal border crossings and the associated rise in crime, it is crucial for Texas counties to make full use of available tools to protect their communities. S.B. 8 aims to enhance Texas' ability to combat the public safety threat posed by criminal aliens by mandating that counties with populations over 100,000 participate in the 287(g) program. Additionally, this bill would provide financial assistance to locally elected sheriffs in counties with populations under 1 million to help cover the costs of participating in the 287(g) program through grants.

(Original Author's/Sponsor's Statement of Intent)

S.B. 8 amends current law relating to agreements between certain sheriffs and the United States Immigration and Customs Enforcement to enforce federal immigration law and a grant program to cover the costs of implementing those agreements.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Comptroller of Public Accounts of the State of Texas in SECTION 1 (Sections 753.102 and 753.104, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 7, Government Code, by adding Chapter 753, as follows:

CHAPTER 753. IMMIGRATION LAW ENFORCEMENT AGREEMENTS BETWEEN
CERTAIN SHERIFFS AND FEDERAL GOVERNMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 753.001. DEFINITIONS. Defines "immigration enforcement agency," "immigration law enforcement agreement," and "grant."

Sec. 753.002. GIFTS, GRANTS, AND DONATIONS. (a) Authorizes the Comptroller of Public Accounts of the State of Texas (comptroller) to accept gifts, grants, and donations to establish and administer the grant program established under Subchapter C.

(b) Requires the comptroller to make publicly available on the comptroller's Internet website the source of any gifts, grants, and donations that were given to the comptroller specifically for the implementation of the grant program established under Subchapter C.

SUBCHAPTER B. IMMIGRATION LAW ENFORCEMENT AGREEMENTS REQUIRED

Sec. 753.051. IMMIGRATION LAW ENFORCEMENT AGREEMENTS. (a) Requires the sheriff of each county that operates a jail or contracts with a private vendor to operate a jail to request and enter into an immigration law enforcement agreement to authorize the sheriff and officers, employees, and, as applicable, contractors of the sheriff's department to enforce federal immigration law.

(b) Requires a sheriff who requested but did not enter into an immigration law enforcement agreement under this section to make additional requests to enter into an agreement under this section at least once annually after each request is made.

Sec. 753.052. IMMIGRATION LAW ENFORCEMENT AGREEMENT REQUIREMENTS. Requires that an agreement entered into under Section 753.051 include the scope, duration, and limitations of the authority to enforce federal immigration law.

Sec. 753.053. ALLOCATION OF RESOURCES. Requires a sheriff who enters into an agreement under Section 753.051 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.

SUBCHAPTER C. GRANT PROGRAM

Sec. 753.101. ESTABLISHMENT AND ADMINISTRATION. Requires the comptroller, from any money appropriated or otherwise available for this purpose, to establish and administer a grant program to support the state purpose of assisting sheriffs participating in immigration law enforcement agreements under Section 753.051.

Sec. 753.102. ELIGIBILITY AND APPLICATION. (a) Provides that a sheriff is eligible to apply for a grant under this subchapter if the sheriff has entered into an immigration law enforcement agreement under Section 753.051.

(b) Authorizes the comptroller by rule to require an applicant to submit information or documentation with respect to a grant application submitted under this section.

Sec. 753.103. AWARD; LIMITATIONS ON USE. (a) Requires the comptroller, on approval of an application submitted under Section 753.102 and using money appropriated to the comptroller or otherwise available for this purpose, to award a grant to an eligible sheriff who applies for the grant as provided by Subsection (b).

(b) Requires that the amount of grant money awarded to a sheriff be determined based on the population of the county the sheriff serves according to certain tiers.

(c) Requires a sheriff who is awarded a grant under this section to use the grant money to pay the costs associated with participating in the agreement that is the subject of the grant that are not reimbursed by the federal government. Provides that the grant money is authorized to be spent over a two-year period only on certain expenses.

Sec. 753.104. **COMPTROLLER POWERS AND DUTIES.** Requires the comptroller to adopt rules necessary to implement the grant program established under this subchapter, including rules that establish:

- (1) a standardized application process, including the form to be used to apply for a grant and the manner of submitting the form;
- (2) 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 annually, distributing grant money, and spending grant money; and
- (3) procedures for monitoring the distribution of grant money to ensure compliance with this subchapter and returning grant money that was not used by a sheriff for a purpose authorized by this subchapter.

Sec. 753.105. **EFFECT ON COUNTY APPROPRIATIONS.** Prohibits the commissioners court of the county the sheriff serves, in relation to money received from a grant awarded to a sheriff under this subchapter, from reducing the appropriation to the sheriff's department in response to the sheriff receiving the grant.

SUBCHAPTER D. REPORTING AND ENFORCEMENT

Sec. 753.151. **REPORTING AND ACCOUNTABILITY.** Requires the comptroller, not later than April 1 of each even-numbered year, to prepare a written report on sheriffs participating in immigration law enforcement agreements under Section 753.051 using information provided to the comptroller under Subchapter C and Section 753.152 and submit the report to the governor, lieutenant governor, and speaker of the house of representatives. Requires that the report include details on the grant program established under Subchapter C, 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 Section 753.154.

Sec. 753.152. **COMMISSION ON JAIL STANDARDS REPORT.** Requires the Texas Commission on Jail Standards to annually submit to the comptroller a copy of the reports received under Section 511.0101 (Jail Population Reports).

Sec. 753.153. **SHERIFF REPORT ON ATTEMPT TO ENTER INTO AGREEMENT.** Requires the sheriff of a county that operates a jail or contracts with a private vendor to operate a jail who has not entered into an agreement under Section 753.051 to annually provide proof to the attorney general of the sheriff's attempt to enter into the agreement.

Sec. 753.154. **ENFORCEMENT BY ATTORNEY GENERAL.** (a) Authorizes the attorney general to bring an action against a sheriff who fails to comply with this chapter in a district court for appropriate equitable relief.

(b) Authorizes the attorney general to recover reasonable expenses incurred in obtaining relief under Subsection (a), including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(c) Requires that an action brought against a sheriff under this section be brought in a district court for the county served by the sheriff.

SECTION 2. Requires the sheriff of each county, not later than December 1, 2026, to comply with Section 753.051(a), Government Code, as added by this Act.

SECTION 3. Authorizes a grant awarded to a sheriff under Subchapter C, Chapter 753, Government Code, as added by this Act, to cover any costs associated with participating in an agreement described by Section 753.051, Government Code, as added by this Act, that were incurred by the sheriff between September 30, 2025, and January 1, 2026.

SECTION 4. Effective date, except as otherwise provided by this Act: January 1, 2026.