

BILL ANALYSIS

S.B. 8
By: Schwertner
Intergovernmental Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under federal law, sheriffs may enter into written agreements with U.S. Immigration and Customs Enforcement (ICE) authorizing trained local officers to perform certain federal immigration enforcement functions under the supervision of ICE. However, the bill sponsor has informed the committee that Texas law does not currently require or incentivize sheriffs to enter in such agreements, resulting in varying levels of participation statewide. The 87th Legislature and 88th Legislature considered measures to increase immigration enforcement cooperation at the local level, and public testimony during prior hearings, including in the Senate Border Security Committee and House State Affairs Committee, highlighted resource disparities between counties and inconsistent enforcement practices across jurisdictions. The Legislative Budget Board and Commission on Jail Standards have also published population and detention data showing that immigration detainees are not processed uniformly across counties.

S.B. 8 seeks to standardize immigration enforcement cooperation by requiring each sheriff in a county with a population of 100,000 or more to request and, as offered, enter in an immigration enforcement agreement with ICE. The bill provides for the establishment of a state-administered grant program to assist eligible sheriffs with the costs of participation and outlines procedures for accountability, reporting, and enforcement to ensure consistency and transparency across counties.

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

S.B. 8 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

S.B. 8 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.

S.B. 8 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

Establishment and Administration

S.B. 8 requires the comptroller of public accounts, from any money appropriated or otherwise available for the purpose, to establish and administer a 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.

Application for Sheriffs of Certain Counties

S.B. 8 makes a sheriff eligible to apply for a grant under the bill's provisions 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 details of the sheriff's department's obligations under the agreement and of the department's staffing resources dedicated to implementing the agreement and the staffing resources necessary to sustain the sheriff's department's participation in the agreement. The bill authorizes the comptroller by rule to require an applicant to submit additional information or documentation with respect to a grant application submitted under these provisions.

Grant Award

S.B. 8 requires the comptroller, on approval of a grant application submitted under the bill's provisions and using any money appropriated to the comptroller for the purpose, to award a grant to an eligible sheriff who applies for the grant as provided by these provisions. The bill requires the comptroller by rule to prescribe a procedure for awarding grants to each eligible sheriff who applies for a grant, with grant money divided among the following population tiers in accordance with the General Appropriations Act:

- 50,000 or less;
- at least 50,001 but not more than 99,999;
- at least 100,000 but not more than 499,999; and
- at least 500,000 but not more than one million.

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 and employees performing duties under the agreement;
- generating and delivering reports required by the agreement, including administrative duties required by the bill;
- equipment and related services 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.

Comptroller Powers and Duties

S.B. 8 requires the comptroller to adopt rules necessary to implement the grant program established by the bill's provisions, 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 annually;
 - 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. The bill requires the comptroller by rule to adopt a procedure for determining the period of the state fiscal year in which the comptroller expects there to be money that remains unawarded under the grant program and allowing a recipient of a grant awarded in that fiscal year to request additional grant money not to exceed any limit provided in the General Appropriations Act for the counties in the tier described by the bill's provisions applicable to the recipient.

Effect on County Appropriations

S.B. 8, in relation to money received from a grant awarded to a sheriff under the bill's provisions, 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.

Procedural Provisions Relating to Grant Award

S.B. 8 authorizes a grant awarded to a sheriff under the bill's provisions to cover any costs associated with participating in an agreement described by the bill's provisions that were incurred by the sheriff between September 30, 2025, and January 1, 2026.

Reporting and Accountability

S.B. 8 requires a sheriff who has entered into an agreement under the bill's provisions, not later than the 60th day after the date the fiscal year of the county served by the sheriff ends, to submit a written report to the comptroller and the attorney general, which must provide details on the sheriff's expenditures 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.

S.B. 8 requires the Commission on Jail Standards (TCJS) to annually submit to the comptroller and the attorney general a report on immigrant detainees reported by each county jail in compliance with the requirement for each county jail to submit to TCJS a monthly jail population report.

S.B. 8 requires the comptroller, in collaboration with the attorney general and not later than April 1 of each year, to prepare a 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

S.B. 8 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. An action brought against a sheriff under these provisions must be brought in a district court for the county served by the sheriff.

EFFECTIVE DATE

Except as otherwise provided, January 1, 2026.