

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 8
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State Affairs
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Committee Report (Substituted)

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)

C.S.S.B. 8 amends current law relating to agreements between sheriffs and the United States Immigration and Customs Enforcement to enforce federal immigration law.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Comptroller of Public Accounts of the State of Texas in SECTION 1 (Sections 752.085 and 752.086, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 752, Government Code, by adding Subchapter D, as follows:

SUBCHAPTER D. IMMIGRATION LAW ENFORCEMENT AGREEMENTS BETWEEN SHERIFFS AND FEDERAL GOVERNMENT

Sec. 752.081. DEFINITION. Defines "grant."

Sec. 752.082. IMMIGRATION ENFORCEMENT AGREEMENTS. (a) Requires the sheriff of each county with a population of 100,000 or more to 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(g)), or an agreement under a similar federal program to authorize officers and employees of the sheriff's department to enforce federal immigration law.

(b) Authorizes the sheriff of a county with a population of less than 100,000 to 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(g)), or an agreement under a similar federal program to authorize officers and employees of the sheriff's department to enforce federal immigration law.

(c) Requires that an agreement entered into under this section include the scope, duration, and limitations of the authority to enforce federal immigration law.

(d) Requires a sheriff who enters into an agreement under this section 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.

(e) Requires the sheriff of a county with a population of 100,000 or more who requested but was not offered a written agreement under this section to make additional requests to enter into a written agreement under this section at least once annually after each request is made.

Sec. 752.083. GRANT PROGRAM: ESTABLISHMENT AND ADMINISTRATION. Requires the Comptroller of Public Accounts of the State of Texas (comptroller), from any money appropriated or otherwise available for this 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.

Sec. 752.084. GRANT PROGRAM: APPLICATION FOR SHERIFFS OF CERTAIN COUNTIES. Provides that a sheriff is eligible to apply for a grant under this section if the sheriff serves a county that has a population of less than one million and has entered into an agreement under Section 752.082. Requires that the application 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.

Sec. 752.085. GRANT PROGRAM: GRANT AWARD. (a) Requires the comptroller, on approval of an application submitted under Section 752.084 and using any money available to the comptroller for this purpose, to award a grant to an eligible sheriff who applies for the grant as provided by Subsection (b).

(b) 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 certain population 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 grant money is authorized to only be spent over a two-year period on compensation for peace officers participating in the agreement; generating and delivering reports required by the agreement, including administrative duties required by this subchapter; 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.

Sec. 752.086. GRANT PROGRAM: COMPTROLLER POWERS AND DUTIES. (a) Requires the comptroller to adopt rules necessary to implement the grant program established by Section 752.083, 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 section and returning grant money that was not used by a sheriff for a purpose authorized by this subchapter.

(b) Authorizes the comptroller to accept gifts, grants, and donations to establish and administer the grant program under this section.

(c) 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 Section 752.085 applicable to the recipient.

Sec. 752.087. GRANT PROGRAM: 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 Section 752.085, from reducing the appropriation to the sheriff's department in response to the sheriff receiving the grant.

Sec. 752.088. REPORTING AND ACCOUNTABILITY. (a) Requires a sheriff who has entered into an agreement under Section 752.082 to annually submit a written report to the comptroller and the attorney general. Requires that the report provide details on the sheriff's activities, expenditures, and outcomes related to the agreement.

(b) Requires the sheriff of a county with a population of 100,000 or more who has not entered into an agreement under Section 752.082 to annually provide proof to the attorney general of the sheriff's attempt to enter into the agreement.

(c) Requires the Commission on Jail Standards to annually submit to the comptroller and attorney general a report on immigration detainees reported by each county jail in compliance with Section 511.0101(a)(1)(M) (relating to requiring each county to submit a report containing the number of prisoners confined in the county jail for whom an immigration detainer has been issued).

(d) Requires the comptroller, in collaboration with the attorney general, to prepare an annual written report on participation in agreements entered into under Section 752.082 and submit the report to the governor, lieutenant governor, and speaker of the house of representatives. Requires that the report include a summary of the sheriff reports submitted under Subsection (a), details on the grant program established under Section 752.083, 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 752.089.

Sec. 752.089. ENFORCEMENT BY ATTORNEY GENERAL. (a) Authorizes the attorney general to bring an action against a sheriff who fails to comply with this subchapter 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.

SECTION 2. Requires the sheriff of each county with a population of 100,000 or more, not later than December 1, 2026, to comply with Section 752.082(a), Government Code, as added by this Act.

SECTION 3. Effective date: September 1, 2025.