

By: Spiller

H.B. No. 2361

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to agreements between local law enforcement agencies and  
3 United States Immigration and Customs Enforcement to enforce  
4 federal immigration law.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 370, Local Government Code, is amended  
7 by adding Section 370.010 to read as follows:

8 Sec. 370.010. IMMIGRATION LAW ENFORCEMENT AGREEMENTS;  
9 INJUNCTION; DENIAL OF STATE GRANT FUNDS. (a) Each law enforcement  
10 agency of a political subdivision shall request and, as offered,  
11 enter into a written agreement with United States Immigration and  
12 Customs Enforcement under Section 287(g), Immigration and  
13 Nationality Act (8 U.S.C. Section 1357), to authorize officers and  
14 employees of the municipality or county to enforce federal  
15 immigration law, and if an agreement is executed, dedicate a  
16 minimum number of peace officers to assist in the enforcement of  
17 federal immigration law.

18 (b) For each attempt to request and enter into an agreement  
19 described by Subsection (a) that did not result in the execution of  
20 an agreement, the law enforcement agency shall document the request  
21 and all other efforts, including as necessary the submission of a  
22 complete application, to enter into the agreement, maintain that  
23 documentation indefinitely, and provide a copy to the attorney  
24 general.

1       (c) An agreement entered into under this section must  
2 include the scope, duration, and limitations of the authority.

3       (d) If the attorney general determines that a law  
4 enforcement agency failed to comply with Subsection (a), the  
5 attorney general shall provide to the law enforcement agency  
6 written notice of the noncompliance. The notice must state:

7               (1) the requirements of this section; and

8               (2) that if the law enforcement agency fails to comply  
9 with this section not later than the 30th day after the date the law  
10 enforcement agency receives the notice:

11                       (A) the attorney general may bring an action  
12 against the law enforcement agency under Subsection (e); and

13                       (B) the political subdivision served by the law  
14 enforcement agency may be subject to losing state grant funds under  
15 Subsection (g).

16       (e) The attorney general may bring an action in a district  
17 court in Travis County for appropriate injunctive relief against a  
18 law enforcement agency that fails to comply with Subsection (a) if:

19               (1) the attorney general provided the notice required  
20 by Subsection (d);

21               (2) the 30-day period described by Subsection (d)(2)  
22 has elapsed; and

23               (3) the law enforcement agency continues to fail to  
24 comply with Subsection (a).

25       (f) The attorney general may recover reasonable expenses  
26 incurred in obtaining relief under Subsection (e), including court  
27 costs, reasonable attorney's fees, investigative costs, witness

1 fees, and deposition costs.

2 (g) The political subdivision served by a law enforcement  
3 agency may not receive state grant funds, and state grant funds for  
4 the political subdivision shall be denied, for the state fiscal  
5 year following the year in which a final judicial determination in  
6 an action brought under Subsection (e) is made that the law  
7 enforcement agency has failed to comply with Subsection (a).

8 (h) The comptroller shall adopt rules to implement  
9 Subsection (g) uniformly among the state agencies from which state  
10 grant funds are distributed to a political subdivision.

11 SECTION 2. As soon as practicable after the effective date  
12 of this Act, each law enforcement agency of a political subdivision  
13 shall comply with Section 370.010, Local Government Code, as added  
14 by this Act.

15 SECTION 3. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2025.