

By: Solomons

H.B. No. 12

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

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

SECTION 1. Chapter 370, Local Government Code, is amended by adding Section 370.0031 to read as follows:

Sec. 370.0031. LOCAL GOVERNMENT POLICY REGARDING ENFORCEMENT OF STATE AND FEDERAL IMMIGRATION LAWS. (a) This section applies to:

(1) the governing body of a municipality, county, or special district or authority;

(2) an officer, employee, or other body that is part of a municipality, county, or special district or authority, including a sheriff, municipal police department, municipal attorney, or county attorney; or

(3) a district attorney or criminal district attorney.

(b) An entity described by Subsection (a) may not adopt a rule, order, ordinance, or policy under which the entity prohibits the enforcement of the laws of this state or federal law relating to immigrants or immigration, including the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.).

(c) In compliance with Subsection (b), an entity described by Subsection (a) may not prohibit a person employed by or otherwise under the direction or control of the entity from doing any of the

1 following:

2 (1) inquiring into the immigration status of a person
3 lawfully detained or arrested;

4 (2) with respect to information relating to the
5 immigration status, lawful or unlawful, of any person lawfully
6 detained or arrested:

7 (A) sending the information to or requesting or
8 receiving the information from United States Citizenship and
9 Immigration Services or United States Immigration and Customs
10 Enforcement, including information regarding an individual's place
11 of birth;

12 (B) maintaining the information; or

13 (C) exchanging the information with another
14 federal, state, or local governmental entity;

15 (3) assisting or cooperating with a federal
16 immigration officer as reasonable and necessary, including
17 providing enforcement assistance; or

18 (4) permitting a federal immigration officer to enter
19 and conduct enforcement activities at a municipal or county jail to
20 enforce federal immigration laws.

21 (d) An entity described by Subsection (a) may not receive
22 state grant funds if the entity adopts a rule, order, ordinance, or
23 policy under which the entity prohibits the enforcement of the laws
24 of this state or federal laws relating to Subsection (b) or, by
25 consistent actions, prohibits the enforcement of the laws of this
26 state or federal laws relating to Subsection (b). State grant funds
27 for the entity shall be denied for the fiscal year following the

1 year in which the rule, order, ordinance, or policy is adopted or
2 the determination is made that the entity has intentionally
3 prohibited the enforcement of the laws of this state or federal laws
4 relating to Subsection (b). The governor's office may issue
5 guidelines to implement this subsection uniformly among the state
6 agencies from which state grant funds are distributed to an entity.

7 (e) The attorney general may file a petition for a writ of
8 mandamus or apply for other appropriate equitable relief in a
9 district court of a county in which the principal office of an
10 entity described by Subsection (a) is located to compel the entity
11 that adopts a rule, order, ordinance, or policy under which the
12 local entity prohibits the enforcement of the laws of this state or
13 federal laws relating to Subsection (b) or that, by consistent
14 actions, prohibits the enforcement of the laws of this state or
15 federal laws relating to Subsection (b) to comply with Subsection
16 (b). The attorney general may recover reasonable expenses incurred
17 in obtaining relief under this subsection, including court costs,
18 reasonable attorney's fees, investigative costs, witness fees, and
19 deposition costs.

20 SECTION 2. The heading to Chapter 370, Local Government
21 Code, is amended to read as follows:

22 CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO [~~MUNICIPAL~~
23 ~~AND COUNTY~~] HEALTH AND PUBLIC SAFETY APPLYING TO MORE THAN ONE
24 TYPE OF LOCAL GOVERNMENT

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2011.