

By: Krause

H.B. No. 2187

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the duties of a law enforcement agency regarding the
3 immigration status of an arrested person and the enforcement of an
4 immigration detainer.

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

6 SECTION 1. Chapter 2, Code of Criminal Procedure, is
7 amended by adding Articles 2.251 and 2.252 to read as follows:

8 Art. 2.251. DUTIES RELATED TO ARRESTED PERSON. (a) Not
9 later than 48 hours after a person is arrested and before the person
10 is released on bond, a law enforcement agency performing the
11 booking process shall:

12 (1) use the federal Secure Communities program
13 operated by United States Immigration and Customs Enforcement or a
14 successor program; or

15 (2) request information regarding the person's
16 immigration status from:

17 (A) a peace officer or other law enforcement
18 officer of this state who is authorized under federal law to verify
19 a person's immigration status; or

20 (B) a federal immigration officer, in accordance
21 with 8 U.S.C. Section 1373(c).

22 (b) A law enforcement agency is not required to perform the
23 duties imposed by Subsection (a) with respect to a person who is
24 transferred to the custody of the agency by another law enforcement

1 agency if the transferring agency performed those duties before
2 transferring custody of the person.

3 Art. 2.252. DUTIES RELATED TO IMMIGRATION DETAINER. A law
4 enforcement agency that has custody of a person subject to an
5 immigration detainer issued by United States Immigration and
6 Customs Enforcement shall:

7 (1) provide to the judge or magistrate authorized to
8 grant or deny the person's release on bail under Chapter 17 notice
9 that the person is subject to an immigration detainer; and

10 (2) detain the person as required by the immigration
11 detainer.

12 SECTION 2. This Act takes effect September 1, 2013.