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FLOOR AMENDMENT NO. _____

BY: Schaefer

1 Amend C.S.S.B. No. 4 (house committee printing) as follows:

2 (1) On page 2, strike lines 2-14 and substitute the
3 following appropriately numbered subdivisions:

4 () "Lawful detention" means the detention of an
5 individual by a local entity, state criminal justice agency, or
6 campus police department for the investigation of a criminal
7 offense. The term excludes a detention if the sole reason for
8 the detention is that the individual:

9 (A) is a victim of or witness to a criminal
10 offense; or

11 (B) is reporting a criminal offense.

12 () "Local entity" means:

13 (A) the governing body of a municipality,
14 county, or special district or authority, subject to Section
15 752.052;

16 (B) an officer or employee of or a division,
17 department, or other body that is part of a municipality,
18 county, or special district or authority, including a sheriff,
19 municipal police department, municipal attorney, or county
20 attorney; and

21 (C) a district attorney or criminal district
22 attorney.

23 () "Policy" includes a formal, written rule, order,
24 ordinance, or policy and an informal, unwritten policy.

25 (2) Strike page 3, line 19 through page 4, line 23 and
26 substitute the following:

27 Sec. 752.053. POLICIES AND ACTIONS REGARDING IMMIGRATION
28 ENFORCEMENT. (a) A local entity or campus police department
29 may not:

1 (1) adopt, enforce, or endorse a policy under which
2 the entity or department prohibits or materially limits the
3 enforcement of immigration laws;

4 (2) as demonstrated by pattern or practice, prohibit
5 or materially limit the enforcement of immigration laws; or

6 (3) for an entity that is a law enforcement agency or
7 for a department, as demonstrated by pattern or practice,
8 intentionally violate Article 2.251, Code of Criminal Procedure.

9 (b) In compliance with Subsection (a), a local entity or
10 campus police department may not prohibit or materially limit a
11 person who is a commissioned peace officer described by Article
12 2.12, Code of Criminal Procedure, a corrections officer, a
13 booking clerk, a magistrate, or a district attorney, criminal
14 district attorney, or other prosecuting attorney and who is
15 employed by or otherwise under the direction or control of the
16 entity or department from doing any of the following:

17 (1) inquiring into the immigration status of a person
18 under a lawful detention or under arrest;

19 (2) with respect to information relating to the
20 immigration status, lawful or unlawful, of any person under a
21 lawful detention or under arrest, including information
22 regarding the person's place of birth:

23 (A) sending the information to or requesting or
24 receiving the information from United States Citizenship and
25 Immigration Services, United States Immigration and Customs
26 Enforcement, or another relevant federal agency;

27 (B) maintaining the information; or

28 (C) exchanging the information with another
29 local entity or campus police department or a federal or state
30 governmental entity;

1 (3) assisting or cooperating with a federal
2 immigration officer as reasonable or necessary, including
3 providing enforcement assistance; or

4 (4) permitting a federal immigration officer to enter
5 and conduct enforcement activities at a jail to enforce federal
6 immigration laws.