A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of state and federal laws governing immigration by certain governmental entities and the administration of certain documentation of citizenship status and other lawful admittance by the Department of Public Safety of the State of Texas.

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, except as provided by Subsections (b) and (b-1);

(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; and

(3) a district attorney or criminal district attorney.

(b) This section does not apply to a school district or open-enrollment charter school or a junior college district. This section does not apply to the release of information contained in education records of an educational agency or institution, except

(b-1) This section does not apply to a hospital or hospital district.

(c) 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.).

(d) In compliance with Subsection (c), 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 following:

(1) inquiring into the immigration status of a person lawfully detained for the investigation of a criminal offense or arrested;

(2) with respect to information relating to the immigration status, lawful or unlawful, of any person lawfully detained for the investigation of a criminal offense or arrested:

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

(B) maintaining the information; or

(C) exchanging the information with another federal, state, or local governmental entity;
(3) assisting or cooperating with a federal immigration officer as reasonable and necessary, including providing enforcement assistance; or

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

(d-1) An entity described by Subsection (a) or a person employed by or otherwise under the direction or control of the entity may not consider race, color, language, or national origin while enforcing the laws described by Subsection (c).

(e) An entity described by Subsection (a) may not receive state grant funds if the entity adopts a rule, order, ordinance, or policy under which the entity prohibits the enforcement of the laws of this state or federal laws relating to Subsection (c) or, by consistent actions, prohibits the enforcement of the laws of this state or federal laws relating to Subsection (c). State grant funds for the entity shall be denied for the fiscal year following the year in which a final judicial determination in an action brought under this section is made that the entity has intentionally prohibited the enforcement of the laws of this state or federal laws relating to Subsection (c).

(f) Any citizen residing in the jurisdiction of an entity described by Subsection (a) may file a complaint with the attorney general if the citizen offers evidence to support an allegation that the entity has adopted a rule, order, ordinance, or policy under which the entity prohibits the enforcement of the laws of this state or federal laws relating to Subsection (c) or that, by
consistent actions, prohibits the enforcement of the laws of this state or federal laws relating to Subsection (c). The citizen must include with the complaint the evidence the citizen has that supports the complaint.

(g) If the attorney general determines that a complaint filed under Subsection (f) against an entity described by Subsection (a) is valid, the attorney general may file a petition for a writ of mandamus or apply for other appropriate equitable relief in a district court in Travis County or in a county in which the principal office of an entity described by Subsection (a) is located to compel the entity that adopts a rule, order, ordinance, or policy under which the local entity prohibits the enforcement of the laws of this state or federal laws relating to Subsection (c) or that, by consistent actions, prohibits the enforcement of the laws of this state or federal laws relating to Subsection (c) to comply with Subsection (c). The attorney general may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(h) An appeal of a suit brought under Subsection (g) is governed by the procedures for accelerated appeals in civil cases under the Texas Rules of Appellate Procedure. The appellate court shall render its final order or judgment with the least possible delay.

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

CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO [MUNICIPAL
SECTION 3. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.251 and 2.252 to read as follows:

Art. 2.251. ENFORCEMENT OF FEDERAL IMMIGRATION LAW. (a) A peace officer may not stop a motor vehicle or conduct a search of a business or residence solely to enforce a federal law relating to immigrants or immigration, including the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.), unless the officer is acting at the request of, and providing assistance to, an appropriate federal law enforcement officer.

(b) A peace officer may not, without a warrant, arrest a person based solely on the person's suspected or alleged violation of a civil provision of a federal law relating to immigrants or immigration, including the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.).

(c) A peace officer may arrest an undocumented person only if the officer is acting under the authority granted under Article 2.13.

Art. 2.252. VERIFICATION OF IMMIGRATION STATUS OF PERSON CHARGED WITH COMMITTING OFFENSE. (a) A local law enforcement agency that has custody of a person who has been arrested and transported to a place of detention shall verify the immigration status of the person by use of the federal Secure Communities program operated by United States Immigration and Customs Enforcement or a successor program.

(b) A local law enforcement agency is not required to
conduct an immigration status verification under Subsection (a) of
an agent who is transferred to the custody of the agency by another
law enforcement agency if the transferring agency, before
transferring custody of the person, conducted an immigration status
verification under Subsection (a).

SECTION 4. Subchapter A, Chapter 521, Transportation Code,
is amended by adding Section 521.007 to read as follows:

Sec. 521.007. TEMPORARY VISITOR STATIONS. (a) The
department shall designate as temporary visitor stations certain
driver's license offices.

(b) A driver's license office designated as a temporary
visitor station under this section must have at least two staff
members who have completed specialized training on the temporary
visitor issuance guide published by the department.

(c) A driver's license office designated as a temporary
visitor station shall provide information and assistance to other
driver's license offices in the state.

SECTION 5. Subsection (b), Section 521.041, Transportation
Code, is amended to read as follows:

(b) The department shall maintain suitable indexes, in
alphabetical or numerical order, that contain:

(1) each denied application and the reasons for the
denial;

(2) each application that is granted; [and]

(3) the name of each license holder whose license has
been suspended, canceled, or revoked and the reasons for that
action; and
the citizenship status of each holder of a license
or personal identification certificate.

SECTION 6. Section 521.101, Transportation Code, is amended
by adding Subsections (d-1), (f-2), and (f-3) and amending
Subsection (f) to read as follows:

(d-1) Unless the information has been previously provided
to the department, the department shall require each applicant for
an original, renewal, or duplicate personal identification
certificate to furnish to the department:

(1) proof of the applicant's United States
citizenship; or

(2) documentation described by Subsection (f-2).

(f) A personal identification certificate:

(1) for an applicant who is a citizen, national, or
legal permanent resident of the United States or a refugee or asylee
lawfully admitted into the United States:

(A) expires on a date specified by the department
if the applicant is younger than 60 years of age; or

(B) does not expire if the applicant is 60 years
of age or older; or

(2) for an applicant not described by Subdivision (1),
expires on:

(A) the earlier of:

(i) a date specified by the department; or

(ii) the expiration date of the applicant's
authorized stay in the United States; or

(B) the first anniversary of the date of

issuance, if there is no definite expiration date for the applicant's authorized stay in the United States, except that a certificate issued to a person 60 years of age or older does not expire.

(f-2) An applicant who is not a citizen of the United States must present to the department documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States.

(f-3) The department may not issue a personal identification certificate to an applicant who fails or refuses to comply with Subsection (f-2).

SECTION 7. Section 521.103, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) Sections 521.101(f-2) and (f-3) apply to a personal identification certificate for which application is made under this section.

SECTION 8. Subsections (a) and (e), Section 521.142, Transportation Code, are amended to read as follows:

(a) An application for an original license must state the applicant's full name and place and date of birth. This information must be verified by presentation of proof of identity satisfactory to the department. An applicant who is not a citizen of the United States must present to the department documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States before the applicant may be issued a driver's license. The department must accept as satisfactory proof of identity under this subsection an offender identification card.
or similar form of identification issued to an inmate by the Texas
Department of Criminal Justice if the applicant also provides
supplemental verifiable records or documents that aid in
establishing identity.

(e) The application must include any other information the
department requires to determine the applicant's identity,
residency, competency, and eligibility as required by the
department or state law.

SECTION 9. Section 521.1425, Transportation Code, is
amended by amending Subsection (a) and adding Subsection (c) to
read as follows:

(a) Except as provided by Subsections [Subsection] (b) and
(c), the department may require each applicant for an original,
renewal, or duplicate driver's license to furnish to the department
the information required by Section 521.142.

(c) Unless the information has been previously provided to
the department, the department shall require each applicant for an
original, renewal, or duplicate driver's license to furnish to the
department:

(1) proof of the applicant's United States
citizenship; or

(2) documentation described by Section 521.142(a).

SECTION 10. Section 521.271, Transportation Code, is
amended by amending Subsections (a) and (b) and adding Subsections
(a-2), (a-3), and (a-4) to read as follows:

(a) Each original driver's license, [and] provisional
license, instruction permit, or occupational driver's license
issued to an applicant who is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires as follows:

(1) except as provided by Section 521.2711, a driver's license expires on the first birthday of the license holder occurring after the sixth anniversary of the date of the application;

(2) a provisional license expires on the 18th birthday of the license holder;

(3) an instruction permit expires on the 18th birthday of the license holder;

(4) an occupational driver's license expires on the first anniversary of the court order granting the license; and

(5) unless an earlier date is otherwise provided, a driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility expires on the first birthday of the license holder occurring after the first anniversary of the date of issuance.

(a-2) Each original driver's license issued to an applicant who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on:

(1) the earlier of:

(A) the first birthday of the license holder occurring after the sixth anniversary of the date of the application; or

(B) the expiration date of the license holder's
lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law; or

(2) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States.

(a-3) Each original provisional license or instruction permit issued to an applicant who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on the earliest of:

(1) the 18th birthday of the license holder;

(2) the first birthday of the license holder occurring after the date of the application; or

(3) the expiration of the license holder's lawful presence in the United States as determined by the United States agency responsible for citizenship and immigration in compliance with federal law.

(a-4) Each original occupational driver's license issued to an applicant who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on the earlier of:

(1) the first anniversary of the date of issuance; or

(2) the expiration of the license holder's lawful presence in the United States as determined by the appropriate United States agency in compliance with federal law.

(b) Except as provided by Section 521.2711, a driver's license that is renewed expires on the earlier of:
(1) the sixth anniversary of the expiration date before renewal if the applicant is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States;

(i-a) for an applicant not described by Subdivision (1):

(A) the earlier of:

(i) the sixth anniversary of the expiration date before renewal; or

(ii) the expiration date of the applicant's authorized stay in the United States; or

(B) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's authorized stay in the United States; or

(2) for a renewal driver's license issued to a person whose residence or domicile is a correctional facility or a parole facility, the first birthday of the license holder occurring after the first anniversary of the date of issuance unless an earlier date is otherwise provided.

SECTION 11. Section 521.2711, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding Subsections (a) and (b), an original or renewal driver's license issued to an applicant who is 85 years of age or older and not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States expires on:

(1) the earlier of:
(A) the second anniversary of the expiration date before renewal; or
(B) the expiration date of the applicant's authorized stay in the United States; or
(2) the first anniversary of the date of issuance if there is no definite expiration date for the applicant's authorized stay in the United States.

SECTION 12. Section 521.272, Transportation Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:
(c) Notwithstanding Sections [Section] 521.271 and 521.2711, a driver's license issued under this section, including a renewal, duplicate, or corrected license, expires:
(1) if the license holder is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application; or
(2) if the applicant is not described by Subdivision (1), on the earlier of:
   (A) the expiration date of the applicant's authorized stay in the United States; or
   (B) the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of
the license holder occurring after the date of application.

(d) Subsection (c) [This subsection] does not apply to:

(1) a provisional license;
(2) an instruction permit issued under Section 521.222; or
(3) a hardship license issued under Section 521.223.

SECTION 13. Section 521.421, Transportation Code, is amended by adding Subsection (a-3) to read as follows:

(a-3) Except as provided by Subsections (a-1) and (a-2), the fee for a driver's license or personal identification certificate that is issued to a person who is not a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States and that is valid for not more than one year is $24.

SECTION 14. Subsection (b), Section 522.033, Transportation Code, is amended to read as follows:

(b) Notwithstanding Section 522.051, a commercial driver's license or commercial driver learner's permit issued under this section, including a renewal, duplicate, or corrected license, expires:

(1) if the license or permit holder is a citizen, national, or legal permanent resident of the United States or a refugee or asylee lawfully admitted into the United States, on the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application; or
(2) if the applicant is not described by Subdivision (1), on the earlier of:
(A) the expiration date of the applicant's authorized stay in the United States; or
(B) the first birthday of the license holder occurring after the date of application, except that the initial license issued under this section expires on the second birthday of the license holder occurring after the date of application.

SECTION 15. Section 522.052, Transportation Code, is amended by adding Subsection (i) to read as follows:
(i) Unless the information has been previously provided to the department, the department shall require each applicant for a renewal or duplicate commercial driver's license to furnish to the department:
(1) proof of the applicant's United States citizenship; or
(2) documentation described by Section 521.142(a).

SECTION 16. Not later than January 1, 2013, the Department of Public Safety of the State of Texas shall submit to the legislature a report evaluating the effectiveness of the temporary visitor stations established under Section 521.007, Transportation Code, as added by this Act.

SECTION 17. The changes in law made by this Act to Chapters 521 and 522, Transportation Code, apply only to a driver's license, personal identification certificate, commercial driver's license, or commercial driver learner's permit issued, reissued, reinstated, or renewed on or after the effective date of this Act.
A driver's license, personal identification certificate, commercial driver's license, or commercial driver learner's permit issued, reissued, reinstated, or renewed before the effective date of this Act is governed by the law in effect when the license, certificate, or permit was issued, reissued, reinstated, or renewed, and the former law is continued in effect for that purpose.

SECTION 18. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.