

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas


27 May 2011  
Date

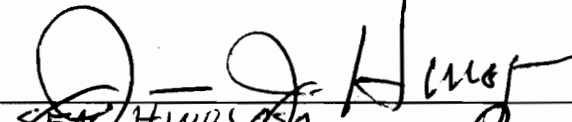
Honorable David Dewhurst  
President of the Senate

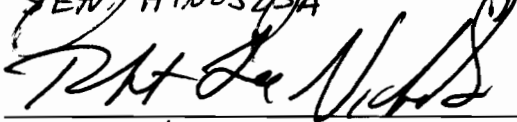
Honorable Joe Straus  
Speaker of the House of Representatives

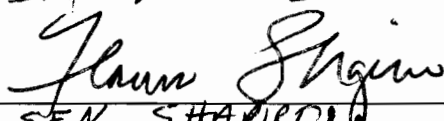
Sirs:

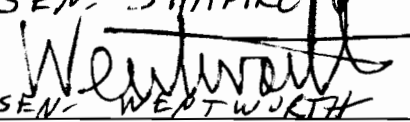
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2734 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

  
\_\_\_\_\_  
SEN. WILLIAMS

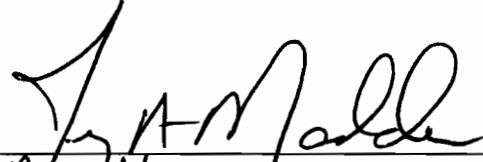
  
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SEN. HINDSOSA

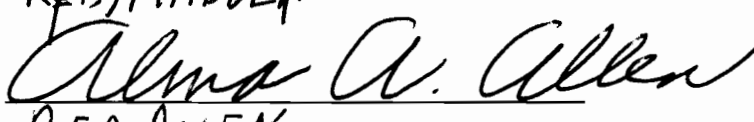
  
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SEN. NICHOLS

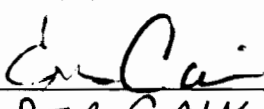
  
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SEN. SHAPIRO

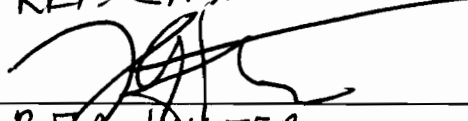
  
\_\_\_\_\_  
SEN. WESTWORTH


On the part of the Senate

  
\_\_\_\_\_  
REP. MADDEN

  
\_\_\_\_\_  
REP. ALLEN

  
\_\_\_\_\_  
REP. CAIN

  
\_\_\_\_\_  
REP. HUNTER

  
\_\_\_\_\_  
REP. PARKER

On the part of the House

**Note to Conference Committee Clerk:**

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 2734

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to certain mandatory conditions of parole or mandatory  
3 supervision for illegal criminal aliens and the revocation of  
4 parole or mandatory supervision as a result of violating those  
5 conditions.

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

7 SECTION 1. Subchapter F, Chapter 508, Government Code, is  
8 amended by adding Section 508.192 to read as follows:

9 Sec. 508.192. REENTRY INTO THE UNITED STATES PROHIBITED.

10 (a) In this section, "illegal criminal alien" has the meaning  
11 assigned by Section 493.015.

12 (b) A parole panel shall require as a condition of parole or  
13 mandatory supervision that an illegal criminal alien released to  
14 the custody of United States Immigration and Customs Enforcement:

15 (1) regardless of whether a final order of deportation  
16 is issued with reference to the illegal criminal alien, leave the  
17 United States as soon as possible after release; and

18 (2) not unlawfully return to or unlawfully reenter the  
19 United States in violation of the Immigration Reform and Control  
20 Act of 1986 (8 U.S.C. Section 1101 et seq.).

21 SECTION 2. Section 508.281, Government Code, is amended by  
22 adding Subsection (d) to read as follows:

23 (d) If a parole panel or designated agent of the board  
24 determines that a releasee has violated a condition of release

1 required under Section 508.192 and confirms the violation with a  
2 peace officer or other law enforcement officer of this state who is  
3 authorized under federal law to verify a person's immigration  
4 status or, in accordance with 8 U.S.C. Section 1373(c), with a  
5 federal law enforcement officer, the determination is considered to  
6 be a sufficient hearing to revoke the parole or mandatory  
7 supervision without further hearing or determination, except that  
8 the parole panel or designated agent shall conduct a hearing to  
9 consider mitigating circumstances, if requested by the releasee.

10 SECTION 3. Section 508.192, Government Code, as added by  
11 this Act, applies only to a person who is released on parole or to  
12 mandatory supervision on or after the effective date of this Act.

13 SECTION 4. This Act takes effect September 1, 2011.

**House Bill 2734**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subchapter F, Chapter 508, Government Code, is amended by adding Section 508.192 to read as follows:

Sec. 508.192. REENTRY INTO THE UNITED STATES PROHIBITED. (a) In this section, "illegal criminal alien" has the meaning assigned by Section 493.015.

(b) A parole panel shall require as a condition of parole or mandatory supervision that an illegal criminal alien released to the custody of United States Immigration and Customs Enforcement:

(1) regardless of whether a final order of deportation is issued with reference to the illegal criminal alien, leave the United States as soon as possible after release; and

(2) not unlawfully return to or unlawfully reenter the United States in violation of the Immigration Reform and Control Act of 1986 (8 U.S.C. Section 1101 et seq.).

SECTION 2. Section 508.281, Government Code, is amended by adding Subsection (d) to read as follows:

(d) If a parole panel or designated agent of the board determines that a releasee has violated a condition of release required under Section 508.192 and confirms the violation with a peace officer or other law enforcement officer of this state who is authorized under federal law to verify a person's immigration status or, in accordance with 8 U.S.C. Section 1373(c), with a federal law enforcement officer, the determination is considered to be a sufficient hearing to revoke the parole or mandatory supervision without further hearing or determination, except that the parole panel or designated agent shall conduct a hearing to consider mitigating circumstances, if requested by the releasee.

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

CONFERENCE

SECTION 1. Same as House version.

SECTION 2. Same as House version.

**House Bill 2734**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 3. Section 508.192, Government Code, as added by this Act, applies only to a person who is released on parole or to mandatory supervision on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2011.

No equivalent provision.

SENATE VERSION (IE)

SECTION 3. Same as House version.

SECTION 4. Same as House version.

SECTION \_\_. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.252 to read as follows:  
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 a person 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). [FA1]

CONFERENCE

SECTION 3. Same as House version.

SECTION 4. Same as House version.

Same as House version.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 27, 2011**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB2734** by Madden (Relating to certain mandatory conditions of parole or mandatory supervision for illegal criminal aliens and the revocation of parole or mandatory supervision as a result of violating those conditions.), **Conference Committee Report**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code to require as a condition of parole or mandatory supervision that an illegal criminal alien leave the United States after release, and do not unlawfully return or unlawfully reenter. The bill would also amend the Government Code to authorize the parole panel to revoke without further hearing or determination the parole or mandatory supervision of an illegal criminal alien, except that requested by the releasee.

The bill would take effect on September 1, 2011 and apply only to a person who is released on parole or to mandatory supervision on or after that date.

The Board of Pardons and Paroles has determined that no fiscal impact can be determined as this bill is written. For this analysis, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 696 Department of Criminal Justice, 697 Board of Pardons and Paroles

**LBB Staff:** JOB, KJG, ESi, GG, LM, AI, ADM

## Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 2734 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

  
\_\_\_\_\_  
(name)

5/27/11  
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(date)