

BILL ANALYSIS

Senate Research Center

S.B. 2584
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Transportation & Homeland Security
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, illegal aliens are being put on probation or released for crimes committed in this country. This bill requires a sheriff or other officer in charge of a correctional facility to make a reasonable effort to determine a citizen's status, if that defendant received in the facility has been convicted of certain felonies.

As proposed, S.B. 2584 relates to the reporting of felons incarcerated in Texas jails to federal authorities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2, Code of Criminal Procedure, by adding Article 2.245, as follows:

Art. 2.245. SHERIFF OR OTHER OFFICER TO DETERMINE IMMIGRATION STATUS OF CERTAIN DEFENDANTS. (a) Provides that this article applies only to a conviction of a felony under Title 5 (Offenses Against the Person), Penal Code, Title 6 (Offenses Against the Family), Penal Code, Title 7 (Offenses Against Property), Penal Code, Chapter 43 (Public Indecency), Title 9 (Offenses Against Public Order and Decency), Penal Code, Chapter 46 (Weapons), Title 10 (Offenses Against Public Health, Safety, and Morals), Penal Code, and Chapter 481 (Texas Controlled Substances Act), Health and Safety Code.

(b) Requires the sheriff or any other officer in charge of a correctional facility, as defined by Section 1.07 (Definitions), Penal Code, on receiving a defendant who has been convicted of a felony to which this article applies, to immediately make a reasonable effort to determine the defendant's citizenship status.

(c) Requires the sheriff or officer, if the sheriff or other officer has reason to believe the defendant is a foreign national, to make a reasonable effort to verify that the defendant has been lawfully admitted to the United States and, if lawfully admitted, the defendant's lawful status has not expired.

(d) Requires the sheriff or other officer, not later than 48 hours after the defendant is received at the correctional facility, to contact the Law Enforcement Support Center of the United States Department of Homeland Security (DHS), or other office or agency designated for that purpose by DHS, to verify the defendant's immigration status if the sheriff or other officer cannot verify the defendant's immigration status under Subsection (c) from documents in the defendant's possession.

(e) Requires the sheriff or other officer to notify DHS if the sheriff or officer determines that the defendant was not lawfully admitted to the United States or, although lawfully admitted, the defendant's lawful status has expired.

(f) Requires the Commission on Jail Standards and the Texas Department of Criminal Justice to prepare and issue guidelines and procedures to ensure compliance with this article by correctional facilities under their respective jurisdictions.

SECTION 2. Makes application of Article 2.245, Code of Criminal Procedure, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2009.