

By: Riddle

H.B. No. 18

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement by certain governmental entities of laws governing immigration.

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

SECTION 1. Section 370.003, Local Government Code, is amended to read as follows:

Sec. 370.003. LOCAL GOVERNMENT [~~MUNICIPAL OR COUNTY~~] POLICY REGARDING ENFORCEMENT OF STATE AND FEDERAL [~~DRUG~~] LAWS. (a) This section applies to:

(1) the [~~The~~] governing body of a municipality, [~~the commissioners court of a~~] county, or other political subdivision;

(2) an officer, employee, or other body that is part of a municipality, county, or other political subdivision, including a sheriff, municipal police department, municipal attorney, or county attorney; or

(3) a [~~]~~ district attorney [~~]~~ or criminal district attorney.

(b) An entity described by Subsection (a) may not adopt a rule, order, ordinance, or policy under which the entity will not fully enforce laws relating to:

(1) drugs, including Chapters 481 and 483, Health and Safety Code; and

(2) immigrants or immigration, including the federal Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.) [~~]~~

1 ~~and federal law]~~.

2 (c) An entity described by Subsection (a) may not receive
3 state money or retain unexpended state money if the entity adopts a
4 rule, order, ordinance, or policy under which the entity will not
5 fully enforce laws described by Subsection (b)(2) or, by consistent
6 actions, fails to fully enforce those laws.

7 (d) If the attorney general determines that an entity
8 described by Subsection (a) is ineligible to retain state money as
9 provided by Subsection (c), the attorney general shall notify the
10 entity of that determination and the entity shall promptly forfeit
11 and repay to the state all unexpended state money held by the
12 entity. The attorney general shall stay the duty to repay pending
13 the outcome of an appeal under Subsection (e).

14 (e) Not later than the 21st day after the date of receiving
15 notice of the determination, an entity may appeal a determination
16 under Subsection (d) to a Travis County district court.

17 (f) An entity described by Subsection (a) that is determined
18 ineligible to retain state money as provided by Subsections (d) and
19 (e) shall be denied state money for each fiscal year:

20 (1) following the year in which the rule, order,
21 ordinance, or policy is adopted or the determination is made that
22 the entity has intentionally failed to fully enforce laws described
23 by Subsection (b)(2); and

24 (2) during which the rule, order, ordinance, or policy
25 that resulted in the determination remains in effect or the failure
26 to enforce that resulted in the determination continues.

27 SECTION 2. The heading to Chapter 370, Local Government

1 Code, is amended to read as follows:

2 CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO [~~MUNICIPAL~~
3 ~~AND COUNTY~~] HEALTH AND PUBLIC SAFETY APPLICABLE TO MORE THAN ONE

4 TYPE OF LOCAL GOVERNMENT

5 SECTION 3. This Act takes effect September 1, 2011.