

FACT SHEET

SENATE BILL 4



WHAT IS SENATE BILL 4 (2023)?

S.B. 4 is a Texas law that passed in November 2023. It is one of the most extreme pieces of anti-immigrant legislation any state legislature has ever enacted. The law went into full effect on May 29, 2026.

While it is in effect, the ACLU of Texas is suing and arguing the law is unconstitutional.

WHAT DOES THIS LAW DO?

This law authorizes untrained police officers to engage in immigration enforcement. It creates a new process in which the police in Texas can detain people suspected of being non-U.S. citizens and entering or attempting to enter Texas from Mexico or another country without authorization. Police may then charge individuals with a new state crime of “illegal entry” to Texas, punishable by up to six months in jail. Police may also charge individuals previously denied admission to the U.S. or deported from the U.S., including those unlawfully deported by Texas, with “illegal re-entry” to Texas, punishable by up to 10-20 years in prison.

The law also authorizes — and in some cases requires — Texas judges to order individuals deported under certain circumstances. These judges have no legal authority to enforce immigration law and generally are not trained in it. People who fail to leave the United States may then be charged with a new crime of refusing to comply with the state’s deportation order. This crime is punishable by 2-20 years in prison.

S.B. 4 places our communities and those traveling in Texas at higher risk of racial profiling and overpolicing. In that respect, we are all at risk, but our Brown and Black communities are at greater risk of enforcement of this cruel and unlawful law.

WHAT'S NEXT?

ACLU of Texas and partners filed *L.M.L. et al v. Martin* on May 4, 2026, which seeks to prevent four different provisions of S.B. 4 from going into effect:

- The re-entry crime that would apply to anyone living in or traveling through Texas who reentered the United States without federal authorization — even if the person had federal permission to reenter or has since obtained lawful immigration status such as a green card.
- The power given to magistrates — who don't know the intricacies of immigration law — to issue deportation orders.
- The crime of failing to comply with the magistrate's removal orders.
- The requirement that magistrates continue a prosecution even when a person has a pending immigration case under federal law.

The case does not challenge the illegal entry provision in S.B. 4. However, all provisions of S.B. 4 are in effect as of May 29, 2026. The ACLU of Texas and partners will continue to monitor the implementation of S.B. 4 and provide [timely updates](#) on the current status of the newest lawsuit and S.B. 4.

CAN TEXAS LAW ENFORCEMENT ASK ME ABOUT MY IMMIGRATION STATUS?

- Under S.B. 4, Texas police officers may ask people whether they entered Texas from another country illegally. Subject to your rights, as outlined below, you do not necessarily have to answer.
- S.B. 4 prohibits its enforcement in certain locations, including: a public or private primary or secondary school; a church, synagogue, or other established places of worship; a health care facility; and SAFE-ready facility.

IF YOU ARE STOPPED BY POLICE:

- You have the right to remain silent.
- Never lie to police or give an officer a false document.

- Generally, you do not have to answer any questions about your immigration status, where you were born, or how you entered the country.
- If you are stopped while driving and do not provide a driver's license when a police officer asks for it, you will need to provide, if asked by the officer, your name, driver's license number, residence address, and date of birth.

IF POLICE BELIEVE YOU ENTERED OR REENTERED ILLEGALLY:

- You may be arrested and taken to a magistrate.
- The magistrate may ask you to agree to a state deportation, also known as an Order of Removal.
- You have the right to agree or not to agree to an Order of Removal, and you can invoke your right to remain silent and ask for the appointment of an attorney.
- If you do not agree to a state deportation, you can be taken to jail and have a bond set.
- In many cases, a person will have the continuing right to agree to a state deportation, or to challenge their prosecution through an attorney.

WHAT ARE MY RIGHTS WHEN CONSIDERING WHETHER TO AGREE TO AN ORDER OF REMOVAL?

- You have several rights when deciding whether to “agree” to be removed:
- You have the right to remain silent. You have the right to refuse any interview without an attorney. You have the right to refuse to sign any paperwork without an attorney.
- You have the right to be represented by an attorney. In your criminal prosecution, an attorney will be appointed to you if you cannot afford one.
- You do not have a right to a court-appointed immigration attorney, but you have the right to seek one for yourself.
- You have the right to access the jail's law library and to send (paid) communications. Together with your attorney(s), these resources will be critical to deciding whether and how to defend against prosecution and petition the United States to stay.

SHOULD I CARRY IMMIGRATION DOCUMENTS?

- Depending on your immigration status, you may be required to carry documents reflecting that status with you. Ask a lawyer to determine if this applies to you, especially if you are unsure of what to carry.
- Make sure trusted friends or family members know where your immigration documents and copies are kept, and where to find other important papers, such as your passport and birth certificate.

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