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## THE TEXAS “SHOW ME YOUR PAPERS” BILL

### Senate Bill 4

### Section-by-Section Summary

Texas Governor Greg Abbott has signed a “show me your papers” law. Texas will be the first state to mandate local jails comply with voluntary U.S. Immigration and Customs Enforcement (ICE) detainer requests. The legislation will also allow citizens to initiate investigations of alleged sanctuary cities and counties merely because the locality “endorses” a policy of non-cooperation with ICE. Lastly, SB 4 makes it impossible for police chiefs and sheriffs to prevent individual officers from asking anyone the officer lawfully detains (even during traffic stops) or arrests about their immigration status. These provisions also apply to colleges and universities, meaning campus police will now be perceived as working with ICE.

SB 4 will drive victims and witnesses into the shadows. It will leave domestic violence survivors fearful of contacting the police. Overall, it will have a negative impact on public safety and law enforcement efforts to achieve community policing through trust.

#### Key Provisions of SB 4

**Article 1** of SB 4 sets in statute a variety of limitations on local policy around cooperation with ICE. The provisions largely impact law enforcement practices on the ground or in the field.

#### Section 1.01

Gov Code Section **752.051** defines key terms.

NOTE: the definition of “policy” includes both formal, written policies and informal or unwritten policies.

**Section 752.052** is amended to create exceptions for hospitals, schools, churches that employ off-duty officers, a federally qualified health center, community centers, and local mental health authorities. All other local entities are required to fully comply with SB 4.

**Section 752.053** bars local entities (cities, counties, special districts, campus police) from prohibiting cooperation with federal immigration authorities. The bill prohibits localities from “endorsing” any policy that limits the enforcement of immigration laws.

NOTE: this section also includes a specific list of required forms of cooperation, including:

- Allowing individual officers to ask someone who has been lawfully detained or arrested about their immigration status.
- Sharing information with immigration authorities.
- Generally cooperating with immigration authorities.
- Allowing immigration authorities in jails.

**Section 752.054** restates constitutional limitations on the use of race, national origin, and religion as factors in criminal or immigration investigations.

**Sections 752.055 and 752.056** lay out the civil process by which a citizen can file a complaint against a local entity for violation of the previous sections. Civil penalties range from \$1,000 to \$1,500 a day for the first violation and \$25,000 to \$25,500 for each subsequent violation.

NOTE: this section creates a civil process for removal from office for any official that a court finds violates this new law.

**Section 752.057** allows local law enforcement to create outreach programs to encourage victims and witnesses to come forward (outreach must include family violence and sexual assault victims).

### **Section 1.02**

Gov Code Section **772.0073** defines terms and clarifies that the Governor's Criminal Justice Grants can be used to offset the cost of enforcing immigration law or honoring detainer requests.

**Article 2** mandates that county jails and other localities comply with all ICE detainer requests.

### **Section 2.01**

Code of Criminal Procedure Article **2.251** requires local law enforcement honor all detainer requests from federal immigration authorities.

### **Section 2.02**

Crim Pro **42.039** creates authority to ensure transfer of state prisoners to immigration authorities.

### **Article 3**

**Section 3.01** provides for the Attorney General to defend local entities such as cities or counties that made a good faith effort to comply with this new law but were sued regardless.

### **Article 4**

**Section 4.01** creates a disincentive for bail bond companies to provide bond to jail inmates identified as possibly undocumented by federal immigration authorities.

### **Article 5**

**Section 5.01 and 5.02** create a Class A Misdemeanor offense for sheriffs and police chiefs who fail to comply with this law. The provisions also make it official misconduct, for which one can be formally removed from office, to violate this proposed law.

### **Article 6**

**Section 6.01** attempts to protect victims of crime and witnesses to crime who come to law enforcement reporting crime from being interrogated about their own immigration status. This provision is subject to an exception that gives discretion to an officer to inquire into immigration status if the officer determines the inquiry is necessary to investigate an offense or to conduct an investigation of any other crime.

### **Article 7**

**Section 7.01** provides that if one section of this bill is struck down by the courts, the other provisions remain in effect.

**Section 7.02** sets the enactment date for the bill.