



THE TRUST REPORT
Texas Residents United for a Stronger Texas
Thursday, July 21, 2011

SUMMARY

The Texas Legislature filed 85 bad immigration bills during this regular session that attempted to put local law enforcement or state agencies in the role of regulating immigration, remove an established privilege or right from the immigrant community, and impose a fine or create a penalty on immigrants and employers. Only four bills passed and there were no substantial anti-immigrant or Arizona SB 1070 copycat bills that passed this regular session in Texas. There were only 9 good immigration bills filed this session, including those that would assist in helping immigrants come out of the shadows and engage their communities. In the first special session of the 82nd legislature, five bad immigration bills were filed. None passed, but a watered-down version of a driver's license bill was attached to SB 1 and passed.

THE MONTH IN REVIEW

Bills are organized in the order of the legislative process, beginning with those that are passed to those that are now considered dead.

First Called Special Session, 82nd Texas Legislature (All bills filed in special session are dead. Only the Driver's License provisions from SB 9 were passed by being amended to SB 1.)

- I. Received a hearing in opposite chamber and left pending in House State Affairs Committee**
 - a. SB 9** Includes "Sanctuary Cities" which places mandates on cities, counties, and special districts prohibiting them from establishing policies that restrict the full enforcement of federal immigration laws, excluding school and hospital districts; requires all jails in Texas to participate in the Federal Secure Communities program by mandating a law enforcement agency to verify the immigration status of a person under arrest and transfer to ICE; and requires DPS to verify immigration status of license applicants.
- II. Received a hearing and left pending in House State Affairs Committee**
 - a. HB 9** Includes "Sanctuary Cities," which places mandates on cities, counties and special districts prohibiting them from establishing policies that restrict the full enforcement of federal immigration laws, excluding school and hospital districts.
- III. Referred to House State Affairs Committee and did not receive a hearing**
 - a. HB 57** Creates an offense for the criminal trespass of undocumented immigrants in Texas
 - b. HB 58** Creates an offense for employing or contracting an undocumented immigrant
 - c. HB 59** Requires state agencies to report on the cost of services provided to undocumented immigrants

Regular Session, 82nd Texas Legislature

I. Bills signed by the Governor and Passed

- a. **HB 260** Prohibits the unlawful transport of a person, including the smuggling of persons, defined as the intentional use of a vehicle to “conceal a person from a peace officer or special investigator.” (Language from SB 146 was amended to it and any references to undocumented immigrants were deleted.)
Effective 9/01/2011
- b. **HB 2734** Requires that a parole panel mandate as a condition of parole or mandatory supervision that an undocumented immigrant be released to ICE or leave the United States as soon as possible after release *Effective 9/01/2011*
- c. **SB 420 (Companion to HB 655)** Requires additional financial information for a sponsored Legal Permanent Resident in determining eligibility for indigent healthcare. *Effective immediately, 5/28/2011*
- d. **SB 530** Grants Border Patrol powers to arrest, search and seize for felony violations under state law. *Effective immediately, 6/17/2011*
- e. **SB 1009** Requires public institutions of higher education to notify the federal Student Exchange and Visitor Information System (SEVIS) regarding the withdrawal or nonattendance of certain foreign students. *Effective 9/01/2011*

***** All bills below are now considered dead. *****

II. Bill passed in both House & Senate and vetoed by the Governor

- a. **HB 397 (Support)** Provides for the creation of the Bureau for Economic Development of the Border Region.

III. Bills voted in opposite chamber

- a. **HB 12** Places mandates on cities, counties, and special districts prohibiting them from establishing policies that restrict the full enforcement of federal immigration laws. (Vote was blocked in Senate on May 24th.)

- IV. Bills set on calendar of opposite chamber**
 - a. House bill set on Senate intent Calendar**
 - i. HB 1633** Establishes that a person cannot serve on a jury if they cannot read or write in English.

- V. Senate bills that have received committee hearings in the opposite chamber**
 - a. House Homeland Security and Public Safety**
 - i. SB 9** Mandates that it is a duty of a law enforcement agency to verify the immigration status of a person under arrest and shall notify ICE if they cannot determine immigration status. Requires DPS to verify immigration status of license applicants and denies driver's licenses to certain immigrants with visas. (Pending committee action)

- VI. Bills referred to committee in the opposite chamber**
 - a. Senate Committee on Transportation and Homeland Security**
 - i. HB 19** Creates a penalty for undocumented immigrants who cause an accident without a driver's license and a penalty for operation of a motor vehicle without a license.
 - ii. HB 197** Requires certain immigration documentation before a person may engage in a licensed occupation.
 - iii. HB 598** Requires motor vehicle registration applicants to provide proof of a valid driver's license
 - iv. HB 875** Requires that Sheriffs or other officers verify the immigration status of defendants and report them to federal immigration authorities.
 - v. HB 892** Creates an offense of unlawful transport of an undocumented person.
 - b. Senate State Affairs Committee**
 - i. HB 804** Creates an offense for illegal voting by a person who is not a United States citizen.
 - c. House State Affairs Committee**
 - ii. SB 146** Creates an offense for the unlawful transport of an undocumented person. **Compromise language was added to HB 260 and passed in the Senate.**

VII. Bills left pending in the Senate

a. Senate Committee on Higher Education

- i. SB 1631** Repeals in-state tuition for undocumented students.

VIII. Bills set on the House Calendar but did not receive a vote

- a. HB 608** Requires state agency report on the cost of services and benefits provided to undocumented immigrants without taking into account the revenues generated by undocumented immigrants. **Bill pronounced dead by procedural action.**

- b. HB 655 (Companion to SB 420)** Requires additional financial information for a sponsored Legal Permanent Resident in determining eligibility for indigent healthcare.

IX. Bills reported favorably from Committee but did not get set on the House Calendar

a. House State Affairs

- i. HB 301** Establishes English as the official language of Texas and the requirement that official acts of government be performed in English.
- ii. HB 1455** Sends a statement to Congress by requiring that law enforcement agencies release certain illegal immigrants at the office of a United States senator or United States representative.
- iii. HJR 86** Proposes a constitutional amendment denying bail to undocumented immigrants who are taken into custody for committing a felony.

b. House Public Health

- i. HB 3537** Requires that the commission check if the person applying for benefits is a sponsored legal permanent resident, if they are the commission will request reimbursement from the sponsors for certain public benefits that were provided.

X. Bills reported from Committee as substituted but did not get set on the House Calendar

a. House State Affairs

- i. HB 183** Mandates that it is a duty of a law enforcement agency to verify the immigration status of a person under arrest.

- ii. **HB 3252** Prohibits the knowing employment of undocumented immigrants and creates administrative penalties.

b. House Homeland Security and Public Safety

- i. **HB 2805** Requires citizenship or lawful presence in the United States for issuance of a driver's license, personal identification certificate, commercial driver's license, or commercial driver learner's permit.
- ii. **HB 48** Authorizes the Department of Public Safety of the State of Texas to investigate the feasibility of and cooperate in the establishment of southbound checkpoints along the international border of this state.

XI. Bills referred that received a hearing in committee but were left pending

a. House Criminal Jurisprudence

- i. **HB 17** Creates an arrestable offense of criminal trespass by being in Texas without immigration status.

b. House State Affairs

- i. **HB 18** Attempts to address so-called “sanctuary cities” by mandating the enforcement of federal immigration laws by certain governmental entities.
- ii. **HB 176** Designates English as the official language of the state.
- iii. **HB 178** Requires state contractors or grant recipients to participate in the federal electronic verification of work authorization program, or E-verify, and add a civil penalty.
- iv. **HB 202** Requires state contractors or grant recipients to participate in the federal electronic verification of work authorization program, or E-verify, and add a civil penalty.
- v. **HB 294** Prohibits a person without proof of immigration status in the United States from bringing a claim in a state court.
- vi. **HB 303** Provides for the creation of a remittance tax- a fee for money transmissions sent outside the United States.
- vii. **HB 428** Prohibits foreign consuls from accessing public school campuses and institutions of higher education.

- viii. **HB 532** Mandates that it is a duty of a law enforcement agency to verify the immigration status of a person under arrest.
- ix. **HB 603 (Support)** Immigration victims' bill that prohibits law enforcement inquiries regarding the nationality or immigration status of a victim of or witness to a criminal offense.
- x. **HB 623** Requires the verification of immigration status by state police and agencies and reporting of unauthorized immigration. Establishes English as the official language of the state.
- xi. **HB 1202** Makes it a state jail felony to knowingly hire undocumented workers in Texas
- xii. **HB 1272** Requires employers to participate in the federal electronic verification of work authorization program, or E-Verify.
- xiii. **HB 1275** Suspends certain licenses of employers who knowingly employ undocumented workers.
- xiv. **HB 1294** Makes undocumented immigrants ineligible to receive a sentence of community supervision, including deferred adjudication community supervision.
- xv. **HB 1466 (Support)** Reinforces federal law by stating that certain young people who have been abused, neglected, or abandoned may apply for special immigrant juvenile visas.
- xvi. **HB 1474 (Support)** Ensures that immigrants are able to obtain housing as a tenant and nullifies Farmers Branch anti-immigrant ordinance.
- xvii. **HB 1553** Requires citizenship information to be reported by persons, including state agencies, political subdivisions of this state, nonprofit organizations, and public and private entities, who receive local or state money to provide services.
- xviii. **HB 2757** Establishes a commission to study migration issues and authorizes a state-level guest worker program.
- xix. **HB 2886** Establishes a work program for certain persons not legally authorized to be in the United States.

- c. **House Appropriations**
 - i. **HB 21** Mandates that state agencies report on the financial effect of providing services to illegal immigrants.
- d. **House Homeland Security and Public Safety**
 - i. **HB 277 (Support)** Allows for consular identity documents to be used as proof of identity in an application for a driver's license.
 - ii. **HB 467** Requires that all driver's licenses be issued in the same format and include the same type of information.
- e. **House Elections**
 - i. **HB 3160** Requires the verification of citizenship of an applicant for voter registration.
- f. **House Higher Education**
 - i. **HB 743 (Companion to SB 1009)** Requires public institutions of higher education to notify the federal Student Exchange and Visitor Information System (SEVIS) regarding the withdrawal or nonattendance of certain foreign students.
- g. **Senate International Relations and Trade**
 - i. **SB 965 (Companion to HB 397)** Provides for the creation of the Bureau for Economic Development of the Border Region.

IN THE NEWS

- **Berman: State leadership to blame for immigration bills not passing**
http://www.riograndeguardian.com/rggnews_story.asp?story_no=27
- **Putting a face on illegal immigration: Revealing her once-undocumented status, Houston legislator hopes to change perceptions**
[http://www.chron.com/disp/story.mpl/metropolitan/7586993.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+houstonchronicle/topheadlines+\(chron.com+-+Top+Stories\)](http://www.chron.com/disp/story.mpl/metropolitan/7586993.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+houstonchronicle/topheadlines+(chron.com+-+Top+Stories))
- **Updated: The Sanctuary Cities Blame Game**
<http://www.texastribune.org/immigration-in-texas/immigration/updated-the-sanctuary-cities-blame-game/>

- **Opinion: Texas governor falls flat with Latinos**
http://www.mercurynews.com/opinion/ci_18379253
- **Proof of Legal Status Now Required for State IDs**
<http://www.texastribune.org/texas-legislature/82nd-legislative-session/lege-requires-proof-of-legal-status-for-state-ids/print/>

UPCOMING EVENTS & IMPORTANT DATES

- August 11th: TRUST Evaluation Meeting from 10am-12pm at the ACLU Office in Austin

Founded in 1968, MALDEF is the nation's leading Latino legal organization and promotes and protects the rights of Latinos through advocacy, litigation, community education and outreach, leadership development, and higher education scholarships.