

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 2094
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State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The United States Immigration and Customs Enforcement (ICE), the largest investigative agency in the Department of Homeland Security, is responsible for enforcing federal immigration laws as part of its homeland security mission.

ICE works closely with federal, state and local law enforcement partners through the Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act — Known as 287(g). The 287(g) program allows a state or local law enforcement entity to enter into a partnership with ICE, under a joint Memorandum of Agreement (MOA), in order to receive delegated authority for immigration enforcement within their jurisdictions.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added Section 287(g), performance of immigration officer functions by state officers and employees, to the Immigration and Nationality Act. This authorizes the director of ICE to enter into agreements with state and local law enforcement agencies, permitting designated officers to perform immigration law enforcement functions, provided that the local law enforcement officers receive appropriate training and function under the supervision of ICE officers.

ICE provides a four-week basic training program and a one-week refresher training program (completed every two years) conducted by certified instructors at the Federal Law Enforcement Training Center (FLETC) ICE Academy (ICEA) in Charleston, SC.

ICE only allows state and local law enforcement officers who meet the following pre-training requirements into the 287(g) program:

- U.S. citizenship
- Current background investigation completed
- Minimum one year of experience in current position
- No disciplinary actions pending

This bill would create a program through the governor's office to cover the expenses incurred by a city or county law enforcement department for sending an officer to the ICE 287(g). These expenses would be the officer's salary and the cost of overtime to cover the officer's absence during the four-week training and the one-week refresher course taken every two years.

To qualify for state money the department must meet the following:

- The department must apply with the state and receive pre-authorization before starting the ICE 287(g) training program.
- The officers sent must handle booking and detention at least 50 percent of the time.
- The officer must additionally meet all ICE officer selection requirements. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 2094 amends current law relating to establishment of the immigration authority delegation training grant program for local law enforcement agencies.

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 Subtitle B, Title 4, Government Code, by adding Chapter 424, as follows:

CHAPTER 424. IMMIGRATION

Sec. 424.001. DEFINITION. Defines "training program."

Sec. 424.002. IMMIGRATION DELEGATION TRAINING GRANT PROGRAM FOR LOCAL LAW ENFORCEMENT. (a) Requires the Office of the Governor (governor's office) to develop and maintain a grant program that awards grants for the expenses incurred by a local law enforcement agency related to the attendance of a law enforcement officer of the agency in a training program.

(b) Authorizes a local law enforcement agency to apply to the governor's office in the form and manner required by the governor's office for a grant under the grant program established by this section. Requires an applicant, to qualify for a grant, to meet certain conditions.

Sec. 424.003. GRANT AMOUNT. Requires the governor's office, if the application for a grant under the grant program established under this section is approved, to issue a grant to the applicant in the amount of:

(1) the salary of the law enforcement officer for four weeks, if the officer attends basic training course under the training program, or one week, if the officer attends the refresher course under the training program;

(2) the costs incurred by the applicant because of the officer's absence while the officer is attending the training program, including overtime pay to another officer to fulfill the duties of the absent officer; and

(3) other expenses the governor's office considers necessary for the participation in the training program.

SECTION 2. Provides that this Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 85th legislature.

SECTION 3. Effective date: September 1, 2017.