

By: Menéndez, et al.

S.B. No. 42

A BILL TO BE ENTITLED

AN ACT

relating to the repeal of certain provisions governing state and local enforcement of immigration laws and other provisions related to immigration law.

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

SECTION 1. The following provisions that are effective September 1, 2017, are repealed:

(1) Articles 2.13(d) and (e), Code of Criminal Procedure, as added by S.B. 4, Acts of the 85th Legislature, Regular Session, 2017;

(2) Article 2.251, Code of Criminal Procedure;

(3) Article 17.16(a-1), Code of Criminal Procedure;

(4) Article 42.039, Code of Criminal Procedure;

(5) Section 402.0241, Government Code;

(6) Subchapter C, Chapter 752, Government Code;

(7) Section 772.0073, Government Code, as added by S.B. 4, Acts of the 85th Legislature, Regular Session, 2017;

(8) Section 87.031(c), Local Government Code; and

(9) Section 39.07, Penal Code.

SECTION 2. Article 17.16(a), Code of Criminal Procedure, as effective September 1, 2017, is amended to read as follows:

(a) A surety may before forfeiture relieve the surety of the surety's undertaking by:

(1) surrendering the accused into the custody of the

1 sheriff of the county where the prosecution is pending; or  
2 (2) delivering to the sheriff of the county in which  
3 the prosecution is pending and to the office of the prosecuting  
4 attorney an affidavit stating that the accused is incarcerated in~~+~~  
5 ~~[(A)]~~ federal custody, in ~~[subject to Subsection~~  
6 ~~(a-1)]~~;  
7 ~~[(B)]~~ the custody of any state, ~~+~~ or in  
8 ~~[(C)]~~ any county of this state.

9 SECTION 3. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect on the 91st day after the last day of the  
14 legislative session.