

House Committee Substitute of SB 4

To create a Texas where everyone is healthy, well-educated, and financially secure, CPPP believes our state should provide pathways to opportunity for all immigrants – not put up barriers to their productive participation in our shared economy and society.

House State Affairs passed a Committee Substitute (HCS) of SB 4 today, April 12. The bill can now proceed to the House floor for a vote. The House version passed out of Committee today includes significant changes to the version passed by the full Senate. The House version:

- Removes the Senate provision that would deny state grant funds to cities and counties that fail to comply;
- Penalizes local law enforcement or campus police who prohibit inquiries about the immigration status of people under arrest, but removes the Senate provision imposing penalties for prohibiting inquiries about the immigration status of people merely detained; and
- Requires the Texas Attorney General to defend local entities and pay costs from lawsuits arising from good faith compliance with detainer requests.

While efforts to improve the bill are appreciated, unfortunately the revised anti-“sanctuary city” proposal still poses a serious threat to immigrant families and the Texas economy by:

- Undermining the public safety and economic prosperity of Texas communities.
- Requiring campus police at public and private colleges and universities to enforce federal immigration law.
- Imposing criminal and civil penalties on local law enforcement for setting their own public safety priorities in response to the needs of their communities.

SB 4 is bad for the Texas economy

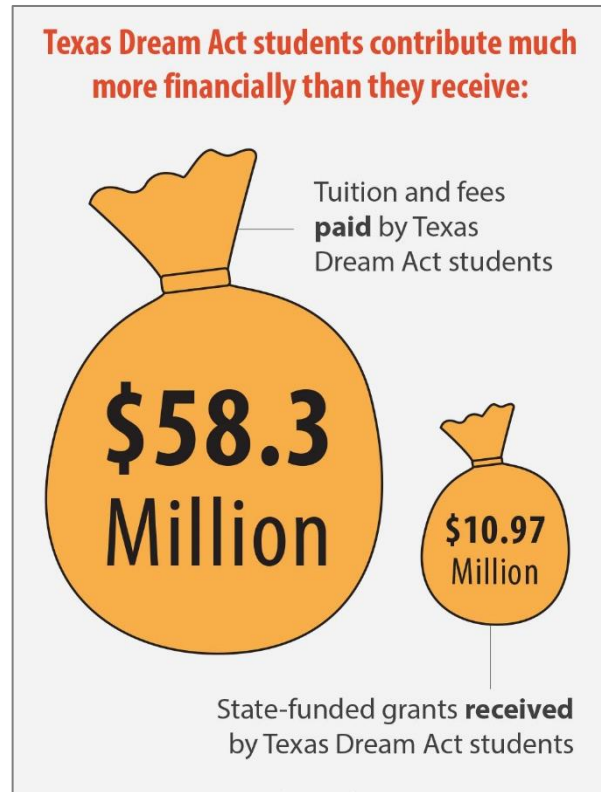
- Immigrants have played a leading role in the state’s economic success and make up 21.2 percent of the total Texas labor force.¹
- Our state’s tradition of common-sense immigration policies, like the Texas Dream Act, has been critical to our economic prosperity and competitiveness.
- The direct purchasing power of all Texas immigrants (regardless of status) in 2015 is estimated to be between \$95.5 billion and \$100 billion.²
- Undocumented immigrants in Texas pay about \$1.5 billion in state and local taxes annually.³
- Texas should continue to lead with smart policies that provide pathways to opportunity for all immigrants in Texas – not put up barriers to their productive participation in our economy and society.

By including campus police, SB 4 compromises our future prosperity

- Both the House and Senate versions include campus police at public and private colleges and universities, contradicting over a decade of common-sense public policy (through the Texas Dream Act) that enables resident immigrant students who are not U.S. Citizens or Permanent Residents to pay in-state tuition and be eligible for grants.
- Texas Dream Act students paid \$58.3 million in tuition and fees in fiscal year 2015.⁴
- Requiring campus police to enforce federal immigrant law places another barrier in the way of students who are working hard to earn their degrees and contribute to the state and our economy.
- Our colleges and universities currently attract students from around the world, but creating an environment of fear and anxiety for undocumented and international students would reduce our ability to attract the leaders of tomorrow to Texas campuses.

SB 4 enforcement is costly for Texas communities

- The associated costs to Texas county jails for complying with ICE detainer requests totaled \$61 million in 2016.⁵ The Senate version of SB 4 provided no support to local governments for the expense of ICE detainers, while the House version establishes a competitive grant program to help offset these costs for some local entities. However, unless additional money is added to the state budget, this new grant program would compete with other programs and services currently being funded by the Governor's Criminal Justice Division (CJD).
- The federal government is not required to reimburse localities for the costs of detainers, and will only reimburse a local government (often pennies on the dollar) for the expense of holding an individual once ICE takes custody.⁶ This leaves local governments on the hook since, in Texas, about half of the time ICE agents never arrive to take the person into custody.⁷
- The Senate adopted a floor amendment to SB 4 adding a daily fine for local criminal justice or law enforcement departments found to be in violation of the law. The House so far has preserved this civil penalty.



Source: Texas Higher Education Coordinating Board.⁸

Detainer Costs for Select Texas Counties (2016)

<u>County</u>	<u>Inmates with Immigration Detainers</u>	<u>Cost to County Jails</u>
Harris	8899	\$15,272,850.00
Travis	2834	\$7,147,700.40
Dallas	5333	\$6,856,752.17
Cameron	2538	\$3,013,662.77
Tarrant	2450	\$2,096,268.21
Midland	291	\$342,307.68
Harrison	120	\$109,703.15
Bailey	87	\$88,120.75
Guadalupe	84	\$87,859.61
Atascosa	52	\$68,386.82
Lamb	47	\$60,295.98
Ochiltree	43	\$59,674.79
Deaf Smith	67	\$53,412.29
Live Oak	35	\$50,182.80
Parmer	82	\$48,640.45
Willacy	51	\$45,179.04

Yoakum	36	\$43,710.80
Navarro	41	\$41,280.00
Gray	36	\$39,380.00
Dallam	43	\$38,437.64
Hale	48	\$38,418.00
Freestone	28	\$37,375.70
Starr	110	\$30,595.90
McMullen	21	\$27,540.00
Castro	18	\$21,044.35
Hill	33	\$20,010.83
Hockley	14	\$18,113.17
Shelby	13	\$13,008.75
Anderson	21	\$12,386.00
Hemphill	8	\$11,404.26
Wilson	14	\$11,270.00
Panola	9	\$9,706.00
Brooks	10	\$9,426.45
Kenedy	9	\$7,810.24
Upton	7	\$3,638.93
Duval	2	\$2,580.12
Cochram	3	\$2,120.00
Hansford	2	\$1,925.00
Jim Hogg	3	\$1,209.00
Donley	3	\$606.90
Cass	1	\$101.00
Martin	1	\$24.66

Source: Texas Commission on Jail Standards⁹

¹ U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates, Table S0501, Population 16 and over in the labor force.

² CPPP calculated the estimated range of potential direct purchasing power using PUMS foreign-born income data, 1-Year Estimate, 2015 American Community Survey, U.S. Census Bureau multiplied by the average annual expenditure rates from the 2015 Consumer Expenditure Survey, Table 1800. CPPP calculated the expenditure rates by dividing average annual expenditures by the average pre-tax incomes for the South (low end of range) and for the U.S. (high end of the range). The estimate includes average spending on housing, food, transportation, healthcare, and all other personal expenditures. For the full list of expenditure categories, see Consumer Expenditure Survey Table 1800. Texas immigrants earned nearly \$119 billion in wage, salary, and self-employment income in 2015 - 18.5% of all wage, salary, and self-employment income earned in the state.

³ Institute on Taxation and Economic Policy, [Undocumented Immigrants' State and Local Tax Contributions](#) (2016).

⁴ Texas Higher Education Coordinating Board, [Overview: Eligibility for In-State Tuition and State Financial Aid Programs](#) (2016). Fiscal Year 2015 started Sept. 1, 2014.

⁵ Texas Commission on Jail Standards, [2016 Annual Report](#) (2017).

⁶ National Immigration Forum, [Immigrants Behind Bars: How, Why and How Much?](#) (2011). Local entities must negotiate a reimbursement contract directly with the federal government.

⁷ Syracuse University, Transactional Records Access Clearinghouse (TRAC), [Tracking Immigration and Customs Enforcement Detainers: ICE Data through November 2015](#).

⁸ See note 4.

⁹ Total 2016 county cost for detainers calculated from monthly Immigration Detainer Reports provided by the Texas Commission on Jail Standards. A state law passed in 2011 requires Texas jails to report monthly estimates of the cost of housing inmates with immigration detainers. The associated costs to all Texas county jails for complying with ICE detainer requests totaled \$61 million in 2016 (see note 6).

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About CPPP: The Center for Public Policy Priorities is an independent public policy organization that uses research, analysis and advocacy to promote solutions that enable Texans of all backgrounds to reach their full potential.