

Senate Bill 8

BILL SUMMARY

SB 8 is the legislature's latest attempt to force 287(g) agreements on county sheriffs. The 287(g) program authorizes Immigration and Customs Enforcement (ICE) to delegate certain federal immigration functions to select local and state officers. To participate, state and/or local law enforcement must enter a Memorandum of Agreement (MOA) with ICE.

Senate Bill 8 (<u>Companion HB 5580</u>)	
What does it do?	Directs Sheriffs in Counties with populations over 100,000 to enter into 287(g) agreements with ICE. This is optional for sheriffs of a county with a population of less than 100,000 people.
Funding Mechanism	Directs the Comptroller to establish a grant program to support implementation of the 287(g) agreements in counties with a population of less than one million people. Counties with over one million people would not be eligible for grant funding and would be expected to pay for associated 287(g) expenses from their own budgets.
Enforcement Mechanism	Authorizes the Attorney General to bring an action against a sheriff that does not comply.

THE 287(G) PROGRAM HAS THREE MODELS¹

- The Jail Enforcement Model (JEM) gives deputized law enforcement officers the power to interrogate suspected noncitizens who have been arrested on state and local charges about their immigration status. As of March 2025, 28 counties across Texas have JEM agreements with ICE.
- The Warrant Service Officers (WSO) program gives local law enforcement the authority to serve and execute administrative warrants to undocumented people in their agency's jail. As of March 2025, 20 counties and one police department across Texas have WSO agreements with ICE.

1. For more information on the Texas counties in the varying models of 287(g) agreements, visit <https://www.ice.gov/identify-and-arrest/287g>.

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- The Task Force Model (TFM) allows local law enforcement officers to enforce immigration laws during routine policing duties. This model was discontinued in 2012 after evidence that TFM led to racial profiling. The Trump Administration reinstated the program in 2025, with four Texas Law Enforcement agencies—including the Texas Attorney General’s office—entering TFM agreements.

THE FACTS

- Researchers have found that 287(g) agreements often lead to arrests of people with minor criminal histories. A 2011 analysis by the Migration Policy Institute showed that half of detainees issued through the program across the country were misdemeanors and traffic violations.
- The program has also proven to be expensive for local governments. Counties are responsible for most of the costs of the 287(g) program, including increased personnel and detention costs.
 - The Harris County Sheriff’s Department spent over \$600,000/year on the program before terminating it in 2017. The Sheriff stated those funds would be reallocated towards filling staffing shortages in the county jails and other public safety priorities.

CONCERNS

- This bill serves as an unfunded mandate which will put a disproportionate burden on smaller and lower-income counties. Sheriff’s offices across the state already struggle to fund staff and resources to operate. SB8 adds an additional administrative burden to sheriff’s offices that are already understaffed and overburdened.
 - The grant program is unlikely to cover the full expense of the agreements, and any state funding would likely have been reallocated from other state priorities.
- SB8 takes away local government’s control and decision making authority while diverting funds from community priorities like: public safety threats, healthcare, and economic development.
 - Counties might have to raise local taxes to cover additional costs.
- The 287(g) program, specifically the Task Force Model, is associated with a rise in racial profiling.
- SB4, the “sanctuary cities” bill passed into law in 2017, already mandates a high level cooperation between Texas law enforcement and ICE.
 - SB4 requires local law enforcement to comply with federal immigration detainees.
 - SB4 prohibits local policies that forbid or materially limit cooperation with ICE and punishes officials who do not comply, including fines, removal of office, and even criminal charges.
 - SB4 allows law enforcement officers to ask about a person’s immigration status during lawful detentions.