



February 7, 2017

Honorable Dan Patrick, Lt. Governor, and  
Honorable Members of the Texas Senate  
State of Texas  
(Hand Delivered)

**Re: New Provisions in CSSB 4 Adds Nothing to Public Safety, Puts Taxpayers at Risk**

Dear Lt. Governor & Senators:

Texas County officials recognize that the legislature may enact statewide policy pre-empting current local discretion regarding immigration enforcement and the honoring of ICE detainees. Our associations provide no endorsement nor opposition regarding that decision.

New provisions added in committee to CSSB 4 that is now before the Senate put local taxpayers at risk yet add nothing in effectiveness.

These changes waive sovereign immunity and create unlimited liability for damages to be paid by taxpayers if a felony is committed by an individual with a criminal history who is subject to an ICE detainer if they are released from jail. This liability is created regardless of facts surrounding the release, even if the release is accidental or the jail staff are unaware of the detainer request or the criminal history of the inmate. This liability would continue for 10 years after release from jail with unlimited damages.

This provision is unprecedented and without justification. There is no history of counties not enforcing the law. Counties currently hold many jail inmates without compensation for other state and federal agencies: Blue warrant inmates, TDCJ paper-ready inmates; thousands of mental health patients awaiting admission into State Mental Health Hospitals. Counties hold these inmates because State law says they should. The legislature need only pass legislation specifying a statewide policy, as is proposed in SECTION 2, in order to accomplish the objectives of SB 4. Current law remedies, such as injunctions, have proven adequate to ensure compliance.

On behalf of Texas taxpayers, we respectfully request the removal of SECTION 1 of CSSB 4.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald Lee".

Donald Lee, Executive Director

Texas Conference of Urban Counties

A handwritten signature in black ink, appearing to read "Gene Terry".

Gene Terry Executive Director

Texas Association of Counties

A handwritten signature in black ink, appearing to read "James P. Allison".

James P. Allison General Counsel

County Judges and Commissioners Association of  
Texas