

## **BILL ANALYSIS**

Senate Research Center  
77R2041 ATP-D

S.B. 794  
By: Ellis, Rodney  
Criminal Justice  
3/29/2001  
As Filed

### **DIGEST AND PURPOSE**

Under the Vienna Convention on Consular Relations, United States authorities are required to inform foreign nationals of their right to contact consular authorities and to provide the opportunity to consult with those officials, as well as in some case to inform the officials directly.

As proposed, S.B. 794 requires the magistrate to notify and inform the defendant of the right to communicate with his or her consular officials.

### **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 Article 15.17, Code of Criminal Procedure, by adding Subsection (e), as follows:

(e)(1) Requires the magistrate, if the magistrate knows or suspects that a person brought before the magistrate after an arrest is a foreign national, to inform the person that after an arrest a foreign national has a right to communicate with an official from the consulate of the person's country. Requires the magistrate, if the person chooses to exercise the right to communicate with the consular official, to notify an official of the penal institution in which the person is confined that the person wants a foreign consular official to be notified. Requires the official of the penal institution to allow the person to communicate with, correspond with, and be visited by a consular official of the person's's country.

(2) Requires the magistrate and official of the penal institution, in providing a foreign national with rights described by Subdivision (1), to comply with policies and procedures adopted by the United States Department of State that apply to the notification of foreign consular officials on the arrest of foreign nationals.

SECTION 2. Amends Section 1701.253, Occupations Code, by adding Subsection (e), to require the Commission on Law Enforcement Officer Standards and Education (commission), as part of the minimum curriculum requirements, to establish a statewide comprehensive education and training program on the requirements for handling the arrest and detention of a foreign national as provided by Article 15.17(e) (Duties of Arresting Officer and Magistrate), Code of Criminal Procedure.

SECTION 3. Requires the Commission on Law Enforcement Officer Standards and Education to establish the curriculum for a comprehensive education and training program for peace officers as required by Section 1701.253(e), Occupations Code, as added by this Act, on or before January 1, 2002. Provides that for persons who are licensed peace officers on September 1, 2001, the first course required under Section 1701.253(e), Occupations Code, as added by this Act, is required to be completed before September 1, 2003.

SECTION 4. Effective date: September 1, 2001.