



Written by [Kelly Holt](#) on February 18, 2011

## Texas Legislator Files Bill to Challenge Current ICE Immigration Policy

The biennial meeting of the Texas State Legislature always promises to be the best entertainment in town, and this year's free-for-all is no exception. Republican State Representative Lois Kolkhorst from tiny Brenham, Texas filed a bill yesterday which, if passed, would give state law enforcement officers a new way to help enforce federal immigration laws. This slightly unusual proposal is not without some Texas-style humor.

The overall bill is quite serious, however, addressing the severe problem border states face when illegal immigrants convicted of crimes are not picked up by U.S.

Immigrations and Customs Enforcement (ICE) when they are released from jail. Kolkhorst's bill, [H.B. 1455](#), proposes to give the local police or sheriff the option of transporting offenders to the office of a U.S. Representative or Senator when ICE fails to retrieve them. Rep. Kolkhorst hopes the bill will provide an incentive for congressional offices to intervene when ICE chooses not to act in their areas. She stated in a press release:

If passed, federal lawmakers may get some real-life examples of the severity of the problem facing our constituents and local law enforcement. The bill will spotlight parts of Texas where federal authorities are not enforcing their own immigration law.

Current federal policy permits ICE to "selectively enforce" whether they travel to a local city or county jail to pick up an illegal immigrant. As a result, those who have broken state or local laws and are not picked up, are sometimes set free instead of being detained and deported. But even when federal officials choose to eventually pick up an offender, local taxpayers get to pick up incarceration costs in the meantime. Sheriff DeWayne Burger of Austin County, neighbor to Brenham, explained,

When ICE declines to retrieve an illegal immigrant from our jail, we have no choice but to release them. This bill gives me a second chance to work with our federal officials to see that their own federal law is enforced.

The bill also provides local law enforcement with a new method to document each occurrence — in other words, how often they have set free the illegal immigrants who broke local laws, but were not





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taken into custody by ICE.

H.B. 1455, after defining “illegal immigrant” and other parameters, states:

- (b) This article applies only to an illegal immigrant who:
  - (1) is entitled to be released on bail or discharged following the completion of the immigrant’s sentence; and
  - (2) is not subject to an immigration detainer issued by United States Immigration and Customs Enforcement prohibiting the person’s release or discharge.
- (c) A law enforcement agency that has custody of an illegal immigrant to whom this article applies may:
  - (1) release or discharge the illegal immigrant at the office of a United States senator or United States representative during that office’s normal business hours; and
  - (2) request an agent or employee of the United States senator or United States representative to sign a document acknowledging the release or discharge of the illegal immigrant at the senator’s or representative’s office.

Kolkhorst’s four-county district is home to bucolic Brenham, famous for Blue Bell Ice Cream and antique roses, but no stranger to horrific crimes. Kolkhorst was prompted to file H.B. 1455 after a prominent doctor in the district was murdered by two illegal immigrants, one of whom had a felony warrant but had yet to be detained.

Lois Kolkhorst gained traction with Texans in the knock-down, drag-out 2007 legislative session when she opposed the grossly unpopular [Trans Texas Corridor](#), a chunk of the larger NAFTA Superhighway intended to link Canada, Mexico, and the United States into a regional North American Union. Almost alone amongst her colleagues in that opposition at the time, her efforts helped Texans stall the monstrosity.

She continues to oppose the Corridor, which is still alive and quietly kicking, but has earned some criticism for her support of a Constitutional Convention. Nevertheless, her new immigration bill promises to make some worms squirm.



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