Texas House State Affairs Committee April 28, 2025 Hearing Toolkit

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1. Committee Agenda-

Official Agenda

HOUSE OF REPRESENTATIVES
NOTICE OF PUBLIC HEARING

COMMITTEE: State Affairs

TIME & DATE: 8:00 AM, Monday, April 28, 2025

PLACE: JHR 120

CHAIR: Rep. Ken King

Public Testimony may be limited to two (2) minutes.

HB 256 Leo Wilson | et al.

Relating to the Department of Public Safety performing rapid DNA testing of certain individuals crossing the Texas-Mexico border.

HB 1554 Capriglione

Relating to a political subdivision's authority to use public money in the provision of legal services for individuals unlawfully present in the United States.

HB 1743 Little | et al.

Relating to the holding or acquisition of an interest in real property by or on behalf of certain foreign individuals or entities; establishing an agricultural intelligence office; creating a criminal offense.

HB 2308 Morales, Eddie

Relating to the establishment of the Texas Commission on Border Security

and Illegal Immigration.

<u>HB 2351</u> Dutton | et al.

Relating to prohibiting the employment of persons not lawfully present; creating a criminal offense.

HB 2858 Lopez, Ray

Relating to the establishment of a temporary guest worker program in this state.

HB 3676 Guillen

Relating to the prioritization of awarding grants and loans from the Texas Energy Fund for certain electric generating facilities.

HB 3784 Frank | et al.

Relating to the creation of the Texas Commission for Boys and Men.

HB 4312 Paul

Relating to a prohibition on the making of a campaign contribution by a person who is not a United States citizen.

HB 4552 Gerdes

Relating to the Texas Antidiscrimination Act.

HB 4823 Capriglione

Relating to an electronic filing system for certain reports of political contributions and expenditures.

HB 4852 Oliverson

Relating to examination of the records of filing entities and foreign filing entities by the attorney general; creating a criminal offense.

HB 5007 Lambert | et al.

Relating to the establishment of the Texas Committee on Foreign Investment to review certain transactions involving certain foreign entities; creating a civil penalty.

HB 5010 Spiller

Relating to the memorial designation of certain portions of an international border wall and the use of grants related to homeland security for those purposes.

HB 5520 Gámez

Relating to border protection and economic development services, programs, and other measures, including establishing an educational center and programs.

HB 5524 Guillen

Relating to creation of the Palangana Energy District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

HCR 19 González, Jessica | et al.

Directing the Texas Facilities Commission to name the building being constructed in Phase Two of the Texas Capitol Complex Master Plan at the northwest corner of Congress Avenue and 15th Street the Irma Rangel Building.

Texas residents who wish to electronically submit comments related to agenda items on this notice without testifying in person can do so until the hearing is adjourned by visiting:

https://comments.house.texas.gov/home?c=c450

For those persons who will be testifying, information for in-person witness registration, can be found here:

https://mytxlegis.capitol.texas.gov/HWRSPublic/About.aspx

A live video broadcast of this hearing will be available here: https://house.texas.gov/video-audio/

Instructions related to public access to the meeting location are available here:

https://house.texas.gov/committees/public-access-house-committee-meetings/

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

Persons with disabilities who plan to attend this meeting and who may need assistance, such as a sign language interpreter, are requested to contact Stacey Nicchio at (512) 463-0850, 72 hours prior to the meeting so that appropriate arrangements can be made.

2. Committee Members and Contact Information

| Member | District | Office | Phone | Email |
|----------------------------------|----------|--------|-------------------|--|
| Ken King (Chair) | HD-88 | E2.416 | (512) 463-0736 | ken.king@house.texas.gov |
| Ana Hernandez (Vice Chair) | HD-143 | E2.810 | (512) 463-0614 | ana.hernandez@house.texas.gov |
| Rafael Anchia | HD-103 | E2.312 | (512) 463-0746 | rafael.anchia@house.texas.gov |
| Drew Darby | HD-72 | E2.306 | (512) 463-0331 | drew.darby@house.texas.gov |
| Yvonne Davis | HD-111 | E2.312 | (512) 463-0598 | yvonne.davis@house.texas.gov |
| Charlie Geren | HD-99 | E2.408 | (512) 463-0610 | charlie.geren@house.texas.gov |
| Ryan Guillen | HD-31 | E2.808 | (512) 463-0416 | ryan.guillen@house.texas.gov |
| Lacey Hull | HD-138 | E2.408 | (512) 463-0727 | lacey.hull@house.texas.gov |
| John McQueeney | HD-97 | E2.312 | (512) 463-0608 | john.mcqueeney@house.texas.go <u>V</u> |
| Will Metcalf | HD-16 | E2.408 | (512) 463-0726 | will.metcalf@house.texas.gov |
| Dade Phelan | HD-21 | E2.408 | (512) 463-1000 | dade.phelan@house.texas.gov |
| Richard Raymond | HD-42 | E2.312 | (512) 463-0558 | richard.raymond@house.texas.go <u>v</u> |

| Member | District | Office | Phone | Email |
|-----------------------|----------|--------------|-------------------|--|
| John Smithee | HD-86 | E2.408 | (512) 463-0702 | john.smithee@house.texas.gov |
| Senfronia Thompson | HD-141 | 3 S.6 | (512) 463-0720 | senfronia.thompson@house.texas .gov |
| Chris Turner | HD-101 | E2.312 | (512) 463-0574 | chris.turner@house.texas.gov |

3. How to Testify

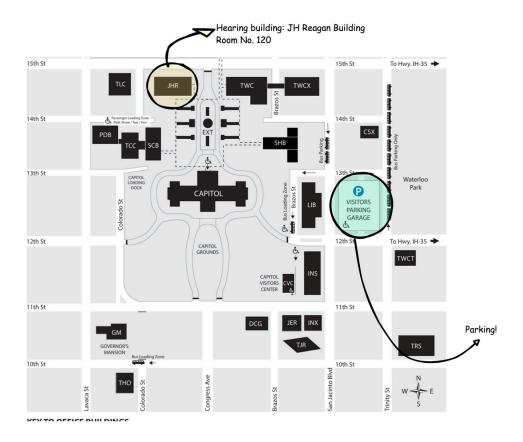
➤ In-Person Testimony:

Parking: Capitol Visitors Parking Garage – 1201 San Jacinto Blvd, Austin, TX How to Register to Testify:

- · Connect to Capitol Wi-Fi and visit: https://hwrs.house.texas.gov/ or use a registration kiosk in the Reagan Building.
- · Be prepared to wait—bills may be called out of order.
- · You will be called up individually or in small groups to testify.

Monday, April 28 8:00 AM

John H. Reagan Building, Room 120



➤ Written Testimony

If you can't attend in person but still want your voice heard on Monday, you can submit written testimony about the bills. Written testimony can be a powerful way to share your perspective and educate committee members.

How to Submit Written Testimony:

ONLINE

Submit online written testimony here ANYTIME before the end of the hearing: https://comments.house.texas.gov/home?c=c450

(Note: Written comments submitted online are limited to 3,000 characters.)

Make sure to select the correct committee (House State Affairs) and the specific bill you're commenting on.

■ BY PROXY ■

If your testimony is over 3,000 characters, and you cannot come to the Capitol to deliver it in person, contact Krystal Gomez at kgomez@txilc.org.

Tips for Written Testimony:

- Include your full name, city, and any relevant affiliations (e.g., educator, student, advocate).
- Make your testimony personal, clear, and concise—ideally 1–2 pages.
- Start by stating: "I am writing in opposition to/support of HB...."

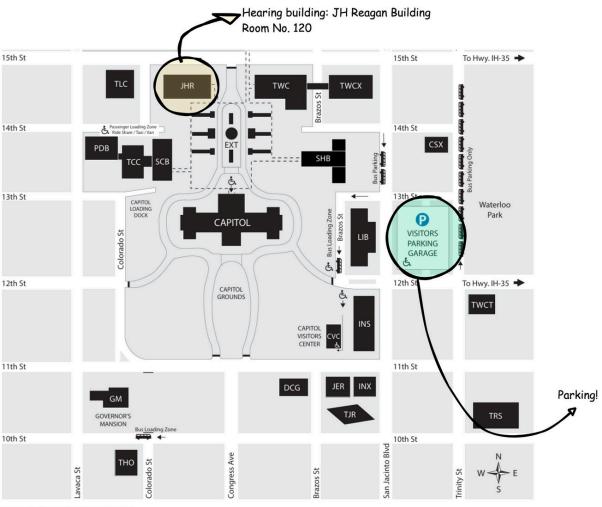
4. Map and Parking

Parking for the Texas Capitol is available at the Capitol Visitors Parking Garage located at: 1201 San Jacinto Blvd, Austin, TX 78701

More information: https://tspb.texas.gov/plan/parking/parking.html

Map of the Texas Capitol Complex:

https://tspb.texas.gov/plan/maps/doc/capitol_visitors_guide.pdf



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5. Bills

HB 1554- Prohibiting Public Funding for Legal Services to Individuals "Unlawfully Present"

Bill Text: View Full Text (PDF)

Author: Giovanni Capriglione; Rm E1.506; (512) 463-0690

District Map

Summary: HB 1554, which would prohibit public funding for representation in immigration matters for individuals deemed "unlawfully present" in Texas. HB 1554/SB 1005 would ban local governments from using public funds to provide legal services to immigrants in immigration matters, even when they face life-altering consequences and cannot afford a lawyer. This bill is an attack on due process and local control. It would block proven programs that keep families together and ensure that immigrants have a fair chance to defend their rights.

Bexar County and Harris County have established immigrant legal defense fund programs in the last five years. Austin, San Antonio, and Dallas have provided funding to nonprofits for deportation defense in smaller amounts. These funds have helped keep families together by letting people fight their immigration cases while living with their loved ones and contributing to the Texas economy and/or ultimately winning the right to remain in the US long-term.

Universities also use funds to provide legal representation to immigrants. HB 1554 would prohibit these immigration clinics that train future attorneys who then go on to staff USCIS, DHS, and the immigration court system. Immigration Law Clinics at state universities would be unable to complete their missions, thus impacting the rankings of our state law schools and their ability to recruit talent and train new lawyers.

Having a lawyer in immigration proceedings is the biggest determinant of whether someone will be able to assert their rights to remain lawfully in the United States. **Now more than ever, legal representation is critical to protect our communities from deportations.**

▲ Take Action and Support Due Process for Immigrants in Texas. Testify in Person on Monday 4/28. Call and Email your State Representative! ▲

**If you have experience representing immigrants in their immigration matters, please incorporate your personal experience into your testimony, calls, and email scripts. If you participated in an immigration clinic in law school, talk about how that experience shaped your career. Personal stories are persuasive!

Call <u>Your Legislators</u> to Oppose HB 1554/SB 1005

(You can use the same script even if you're leaving a voicemail; every message counts! They'll take down your information and then ask you which bill you're calling about.)

Hi, my name is [Your Name], and I live in [City/County/ZIP Code]. I'm calling as one of Representative [LAST NAME]'s constituents to urge them to oppose HB 1554, a dangerous bill that would ban local governments from using public money to

provide legal services to immigrants in their immigration matters.

I'm calling to demand that Representative [LAST NAME] **oppose** House Bill 1554, which bans immigrant legal defense funds in cities and counties throughout the state. Legal defense funds do not interfere with federal immigration enforcement, nor do they change the outcome if someone in immigration proceedings does not have a legal right to remain in the United States. Immigrant legal defense funds just make sure our neighbors can defend their rights in immigration court, even if they can't afford an attorney. Sometimes that even includes asylum seekers, lawful permanent residents, and U.S. citizens.

Texas communities shouldn't be complicit in the wrongful deportations of people without due process, and no one with a legal right to be in the United States should be deported just because they can't afford a lawyer to argue their case.

Moreover, these decisions to create legal defense funds are made by local officials that we elected and entrusted to spend our local tax dollars in ways that align with our community's values. State overreach creates more problems than it solves.

Immigrant legal defense funds keep families together, they protect the significant economic contributions of immigrants, and they uphold the fairness of our courts for everyone. Please tell Rep. [LAST NAME] to oppose House Bill 1554.

(They should thank you for your call and tell you that they've logged your information/message and will pass it along.)

Subject: Please Oppose HB 1554/SB 1005 – Protect Access to Legal Representation for Immigrants

My name is [Your Full Name], and I am a constituent from [Your City or ZIP Code]. I am writing to respectfully urge you to **oppose HB 1554/SB 1005**, a harmful bill that would prohibit Texas cities and counties from using public funds to support legal representation for immigrants in their immigration matters.

This bill would strip local governments of the ability to support programs that ensure due process and stabilize communities. Here's why I'm deeply concerned:

- Access to a lawyer can be the difference between staying with your family and being permanently separated. In immigration court, there's no right to an attorney if you can't afford one, even though deportation can have life-threatening consequences. Legal defense programs ensure people can meaningfully assert their rights.
- These programs are working in Texas and across the country. Over 55 jurisdictions nationwide have created legal defense funds, including in Texas, because they reduce court delays, support local economies, and protect families. People with legal representation are up to 10 times more likely to succeed in their cases.
- HB 1554 would harm Texas families and our economy. Most people in deportation proceedings are the primary breadwinners for their families, and 88% of the 2.5 million Texas children with immigrant parents are U.S. citizens. Removing a parent destabilizes entire households. Immigrant-led households also contribute over \$176 billion in spending power and more than \$19 billion in state and

local taxes annually.

 This bill would not improve safety or security — it would only ensure more people face life-altering legal proceedings alone. Legal defense programs don't interfere with law enforcement, they simply ensure fairness in our courts.

HB 1554/SB 1005 is a dangerous step backward for Texas. I urge you to oppose this bill and instead support policies that uphold due process, protect families, and strengthen our communities.

Thank you for your time and public service.

Sincerely,

[Your Full Name]
[Your City/ZIP Code]
[Optional: Phone Number]

● Testify in Person or Submit Testimony to Oppose HB 1554/SB 1005 **●**

Talking Points for Advocates to Draft Public Testimony:

**Please find a detailed messaging guide here and ILDF Background here **

• Everyone deserves a fair chance in court, especially when the stakes are as high as deportation and family separation. Legal defense programs make sure our neighbors can defend their rights, even if they can't afford an attorney. Restricting public funds for legal services to undocumented individuals would further exacerbate the lack

of representation in immigration proceedings resulting in unjust outcomes and increased strain on the legal system.

**If you are an immigration attorney or DOJ representative, please include information about your experiences representing people in immigration proceedings.

- HB 1554 would block Texas cities and counties from supporting these programs, even though they've already proven successful. Over 55 jurisdictions nationwide including some right here in Texas (Austin, San Antonio, Bexar and Harris Counties) have invested in legal defense funds to stabilize their communities, protect families, and reduce court backlogs.
- Legal representation works. People with lawyers are up to 10 times more likely to win their case. Without one, even Texans with lawful claims may be unjustly deported. Every day, Texans who have a legal right to remain in the country are deported simply because they cannot afford a lawyer to identify and effectively argue their claims. There are currently 423,909 cases in immigration proceedings in Texas—the largest docket in the country—and 74 percent (313,693) of them do not have legal representation.

**If you are an immigration attorney or DOJ representative, please share personal information about client stories where representation made a difference.

• This bill would harm Texas families and our economy. The Texas economy relies on immigrants. There are over 2.5 million children in Texas with at least one immigrant parent. Most people in deportation proceedings are the primary

breadwinners. Removing them destabilizes households, schools, and local businesses. Immigrant-led households in Texas have an estimated \$176.3 billion in spending power. Therefore, investments in immigration legal services are an investment in Texas's economy.

**If you are an immigration attorney or DOJ representative, please share personal information about the impact you witness on families who were affected by having a family member in removal proceedings.

- Immigrants are essential to Texas. They make up a large part of our workforce and contribute over \$19 billion annually in state and local taxes. Keeping families together means stronger communities and a stronger Texas.
- Impact on Law Schools and Clinics. The bill could hinder state law school immigration clinics from their missions of providing essential legal services to people who need them. This limitation may reduce practical training opportunities for law students and hinder state law schools from being able to compete with out-of-state and private law schools.

**If you are an immigration attorney who participated in a legal clinic in law school, share personal information about the positive impact of clinics and how it prepared you for law practice.

- Impact on Public Safety. This bill doesn't make us safer; it just hurts and alienates Texans who deserve a fair chance.
- Local control. Legal defense funds are made by local officials that we elected and entrusted to spend our local tax dollars in ways that align with our community's values. State overreach creates more problems than it solves. Local investment is more important than ever as Trump has

already started to terminate the existing legal access programs for people in detention, unaccompanied children, and families. These programs are under attack and are in a volatile position under this administration, threatening the legal services infrastructure and capacity nationwide. States and localities must invest in legal services to stabilize their communities.

**If you are an immigration attorney or advocate who has represented individuals in a county where an ILDF is active, add information on how this has helped your community.

 Please stand against HB 1554/SB 1005 and protect every Texan's access to justice.

If you are testifying in person, please complete the link below to help coordinate testimony.

Link to coordinate testimony: 1 HB 1554 Testimony Coordination

HB 4852- Expanding Attorney General's Authority to Examine Records of Filing Entities

Bill Text: View Full Text (PDF)

Author: Tom Oliverson; Rm E2.408; (512) 463-0661

District Map

Summary: HB 4852 seeks to amend the Business Organizations Code to enhance the Attorney General's authority to investigate the organization, conduct, and management of filing entities and foreign filing entities. It allows the Attorney General to require these entities to submit sworn statements or reports and to examine individuals under oath. Failure to comply may result in the forfeiture of the entity's right to do business in Texas.

♣ Talking Points

- Creates Regulatory Uncertainty and Chills Investment
 - Businesses thrive on predictability. This bill would give the Attorney General broad and vague authority to investigate any filing entity without probable cause or clear standards.
 - Entrepreneurs, investors, and even large firms could become reluctant to form or expand businesses in Texas if they fear arbitrary investigations, sudden document demands, or risk of criminal penalties.
- Threatens Texas's Business-Friendly Reputation
 - Texas has long been a magnet for businesses thanks to its low regulation and pro-growth climate. This bill erodes that reputation by introducing intrusive oversight that resembles the kind of government overreach we often criticize in other states.
 - Criminalizing internal business recordkeeping mistakes or disagreements over access sets a dangerous precedent that will scare off new startups and expansions.

- Attorney-Client Privilege Concerns: The expanded investigatory powers may infringe upon attorney-client privilege, particularly if legal service providers are compelled to disclose confidential information during investigations.
- Weaponizes Government Power Against Private Enterprise
 - The Attorney General would be empowered to unilaterally demand internal records, compel sworn statements, and revoke a company's right to operate—all without court oversight unless the business files a petition within 20 days.
 - This flips due process on its head: instead of the government justifying its actions, businesses are forced to prove their innocence or face shutdown.
 - Potential for Targeted Investigations: Given recent actions by the Attorney General's office, there is concern that HB 4852 could be used to target organizations based on their political or social advocacy, leading to a chilling effect on entities that support communities that the AG may not support.
- Forces Businesses to Divert Resources from Growth to Compliance
 - Texas companies, especially small businesses and nonprofits, will now need legal teams on standby to respond to these investigations—just in case.
 - That's money taken away from hiring, expanding operations, or innovating—and given instead to defense attorneys and compliance officers.
- Undermines Principles of Innocence Until Proven Guilty
 - The bill allows for business licenses to be revoked *before* a court ever reviews the merits of a case.
 - Even if a business eventually wins in court, the reputational and financial damage may be irreversible.
- Could Disproportionately Harm Nonprofits and Smaller Entities

- Impact on Nonprofits Serving Immigrants: The bill could disproportionately affect nonprofit organizations that provide services to immigrants, as increased scrutiny and the threat of business forfeiture may deter these entities from operating or expanding services in Texas.
- While larger corporations may absorb legal costs, this bill could be used to intimidate or shut down community-based organizations and startups, especially those involved in public policy, advocacy, or sensitive industries.

Puts Texas at a Competitive Disadvantage

 States like Florida, North Carolina, and Tennessee are aggressively courting business. They'll use this law as an example of Texas turning its back on economic freedom and opening the door to politicized enforcement.

HB 1743- Restriction on Foreign Land Ownership

House Bill 1743, introduced in the 89th Texas Legislature, is titled the "Protect Texas Land Act." The bill aims to restrict certain foreign individuals and entities from acquiring or holding interests in Texas agricultural land and other real property. It also establishes reporting requirements and creates an agricultural intelligence office.

Key Provisions:

1. Restrictions on Foreign Ownership:

- Prohibits individuals who are citizens or residents of countries subject to U.S. arms embargoes from acquiring or holding interests in Texas agricultural land.
- Applies to entities organized under the laws of such countries or controlled by their citizens or governments.
- Requires these individuals and entities to divest any existing interests in agricultural land by September 1, 2027.

2. Reporting Requirements:

- Mandates that specified foreign individuals and entities report any acquisition or sale of real property in Texas to the Attorney General within 90 days.
- Requires reporting of existing holdings of agricultural land by April 1, 2026.

3. Agricultural Intelligence Office:

 Establishes an office to monitor and analyze foreign investments in Texas agricultural land.

4. Criminal Offense:

 Failure to comply with reporting requirements constitutes a state jail felony.

♣ Talking Points

Legal and Civil Rights Concerns:

- The bill's broad definitions may inadvertently affect lawful permanent residents and other legal immigrants, potentially infringing on their property rights.
- The divestment requirement could lead to legal challenges based on constitutional protections against unlawful seizure and discrimination.

Economic Impact:

- Foreign investments contribute significantly to Texas's economy, particularly in the agricultural sector.
- Restricting foreign ownership may deter investment, leading to reduced economic growth and job creation in rural communities.
- Highlight the potential negative impact on Texas farmers and ranchers who benefit from foreign investment and partnerships.
- Emphasize the importance of property rights and free-market principles, which are core conservative values.

National Security vs. Economic Freedom:

- While national security is paramount, blanket restrictions may not effectively target genuine threats and could harm beneficial economic relationships.
- A more nuanced approach, focusing on specific security risks, would balance safety with economic interests.
- Discuss the risk of government overreach and the precedent it sets for property ownership restrictions.

HB 2351- Creating a Third Degree Felony for Employing Undocumented Immigrants

Bill Text

Author: Harold Dutton; Rm. 3N.5; (512) 463-0510

Summary: HB 2351 makes it a third-degree felony for an employer to knowingly hire or employ a person not lawfully present in the U.S. The bill defines this term as someone present in the country following the commission of an offense under Chapter 51 of the Penal Code. Employers cannot circumvent this law by misclassifying workers as independent contractors if such classification is not in accordance with Chapter 201.

♣ Talking Points

Legal and Constitutional Concerns

- Federal Preemption: Immigration enforcement is a federal responsibility. HB 2351 may conflict with federal law, leading to legal challenges and potential injunctions.
- Due Process Implications: The bill's provisions could result in due process violations, especially concerning the determination of an individual's lawful presence status.

Economic Impact

- Workforce Shortages: Texas industries such as agriculture, construction, and hospitality rely heavily on immigrant labor. Criminalizing employment could exacerbate labor shortages and disrupt these sectors.
- Economic Consequences: Similar laws in other states have led to significant economic downturns. For instance, Alabama's HB 56 resulted in an estimated \$11 billion loss in GDP due to labor shortages and decreased economic activity.

Public Safety and Community Trust

- Strained Law Enforcement Relations: Local law enforcement officials have expressed concerns that such legislation hampers their ability to build trust within immigrant communities, which is essential for effective policing and crime prevention.
- Family Separation Risks: The bill could lead to increased family separations, affecting the well-being of children and undermining community stability.

Economic Prosperity

- Business Impact: Emphasize that the bill could negatively affect Texas businesses by creating labor shortages and increasing operational costs, thereby hindering economic growth.
- Tax Revenue Concerns: Highlight that undocumented workers contribute to the state's economy through taxes and consumption; their exclusion could reduce state revenue.

Limited Government and Fiscal Responsibility

- Government Overreach: Argue that HB 2351 imposes additional regulations on businesses, contradicting principles of limited government.
- Enforcement Costs: Point out that implementing this law would require significant state resources for enforcement and incarceration, burdening taxpayers.

Public Safety

- Law Enforcement Priorities: Stress that diverting law enforcement resources to immigration enforcement may detract from addressing more pressing local criminal activities.
- Community Cooperation: Note that fear of legal repercussions may discourage immigrant communities from reporting crimes or

cooperating with police, potentially increasing unreported criminal activity

HB 2858- Establishing a State Temporary Guest Worker Program

Bill Text: View Full Text (PDF)

Author: Ray Lopez; Rm GW.4; (512) 463-0669

District Map

Summary

This bill proposes the creation of a state-administered temporary guest worker program in collaboration with Mexico. The bill mandates the Texas governor to seek federal authorization to implement this program to align with U.S. immigration laws. Upon approval, the governor may establish a memorandum of understanding with Mexico to facilitate the legal employment of Mexican nationals in Texas through nonimmigrant visas. The program targets industries identified by the Texas Workforce Commission as needing skilled and unskilled labor. Key provisions include ensuring that participating businesses certify a lack of available domestic workers, that employment of guest workers does not negatively impact local wages and working conditions, and that guest workers meet specific eligibility criteria, including background checks and skill assessments. Additionally, the program requires the issuance of tamper-proof identification for workers and mandates notification procedures if a worker fails to return to Mexico upon visa expiration .

HB 4312- Prohibits non-Citizens from making campaign contributions (including LPRs)

Author: Rep. Dennis Paul

Q Bill Summary

HB 4312 adds Section 253.008 to the Texas Election Code, prohibiting "a person who is not a citizen of the United States" from knowingly making a campaign contribution to a candidate or political committee.

Legal & Policy Analysis

Federal Preemption

- Federal law (52 U.S.C. § 30121) already prohibits foreign nationals (noncitizens who are not lawful permanent residents) from contributing to federal, state, or local elections.
- The Federal Election Commission (FEC) explicitly allows lawful permanent residents (LPRs) to make political contributions.

Potential Conflict:

• HB 4312 uses the term "not a citizen" without defining whether that includes LPRs.

• If interpreted broadly to ban all noncitizens, including green card holders, it would conflict with federal law and likely face preemption challenges.

Risk of Overreach:

- Without clarification, the bill could chill lawful political activity by immigrants, especially LPRs, who are permitted to donate under federal law.
- The bill lacks enforcement provisions, definitions, or safeguards to prevent misapplication.

Talking Points

- HB 4312 may confuse the public and law enforcement unless it clarifies that LPRs are exempt from the prohibition.
- This ambiguity **risks unlawful targeting of immigrants**, including green card holders, and could discourage civic participation.

HB 256- Rapid DNA Testing for Detained Immigrants

Bill Text: View Full Text (PDF)

Author: Leo Wilson

Summary: HB 256 would require the Texas Department of Public Safety (DPS) to partner with the U.S. Department of Homeland Security (DHS) in conducting rapid DNA testing on individuals detained or arrested after crossing the Texas-Mexico border, in cases where DHS suspects a false claim of a familial relationship with another detainee or arrestee.

♣ Talking Points for Immigration Lawyers

1. This bill will adversely and overwhelmingly affect children.

Although the bill is broadly written to permit testing whenever DHS suspects a misrepresentation of a familial relationship, in practice, it is difficult to envision its application beyond parent-child relationships. In immigration detention, there are few situations where proving a biological relationship is relevant outside of this context. As a result, children are the group most likely to suffer prolonged detention and traumatic family separation under the provisions of this bill.

2. The definition of "child" for immigration purposes encompasses more than blood relatives.

The proposed bill does not restrict rapid DNA testing to individuals asserting a biological relationship. However, under INA §101(b)(1), a parent-child relationship can be legally recognized in various forms, including through stepparent or adoptive relationships. As a result, rapid DNA testing could be inappropriately applied in cases where a legally valid family relationship exists without a biological connection.

3. This bill will increase the time children and families are detained by Customs and Border Protection (CBP), often in adverse conditions.

Although rapid DNA tests can be completed in under two hours, this estimate does not account for potential delays caused by the availability of test kits, personnel to administer the tests, or the processing of results. These logistical hurdles could lead to families being held for extended periods—potentially hours or even days—when they might otherwise be eligible for release or transfer to a more appropriate and humane facility for overnight or longer-term detention. Past delays in CBP processing have led to significant public backlash, particularly when children were held for prolonged periods in Customs and Border Protection (CBP) facilities known as "hieleras" or "ice boxes."

4. Families could erroneously be separated and parents deported.

Rapid DNA tests face serious scientific and reliability challenges. In fact, one study found that a commonly used system produced inaccurate profiles or other errors in 36% of cases—a strikingly high failure rate. Much like with COVID-19 rapid tests, the trade-off for speed and convenience is often a significant drop in reliability—an issue that, in this context, can have life-altering consequences.

If a rapid DNA test incorrectly indicates that a parent and child are not biologically related, the likely outcome is swift: the adult may be rapidly deported, and the child transferred to the Office of Refugee Resettlement, facing indefinite detention. Now separated, the child is left in the United States without their caregiver, with no clear path to prove their relationship or reunite. Because the test says they are unrelated, there is no process in place for the government to deport them together. This outcome would be avoided if the parent were initially treated as part of a valid family unit—especially since most families in these situations are protected under the "Miss L" class.

5. It is a waste of state resources to perform a job already required of DHS.

In cases involving a parent and child, if DHS is unable to verify the relationship based on the birth certificate alone, the child is transferred to the custody of the Office of Refugee Resettlement (ORR). As of March 2025, ORR is mandated to conduct a DNA test to confirm a biological relationship whenever it can be reliably assessed through such testing. Given this federal

requirement, it is redundant and inefficient for the state to allocate resources toward performing a task that ORR is already obligated to carry out in a more controlled and reliable environment.

Other Primary Concerns

- **Potential Violation of Fourth Amendment Rights**: Compelled DNA collection from individuals not convicted of a crime—especially children—raises serious concerns about unreasonable searches and seizures.
- **Lack of Consent**: Individuals subject to testing may not fully understand or be able to give informed consent, particularly in high-stress or language-barrier situations.
- Rapid DNA Accuracy Issues: Rapid DNA technology is not yet foolproof, particularly when used outside of lab settings, and may produce false positives or negatives—leading to wrongful family separations or detentions.
- **Chilling Effect on Asylum Seekers**: People fleeing violence or persecution may be deterred from seeking asylum due to invasive DNA requirements.