

TESTIMONY ON SENATE BILL 8

By: **Selene Rodriguez**, Texas Public Policy Foundation
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Good morning, Chairman Hughes and members of the committee,

Texas has long been on the frontlines of the border crisis, enduring the devastating effects of unchecked illegal immigration, cartel-driven human trafficking, and smuggling networks that overwhelm local law enforcement agencies.

On January 20, 2025, President Donald J. Trump signed Executive Order 14159, "Protecting the American People Against Invasion," invoking Article IV, Section 4 of the U.S. Constitution, which guarantees states the authority and support necessary to repel invasions and defend their borders ([Executive Order 14159, 2025](#); [U.S. Const. art. IV § 4](#)).

Shortly after, on January 23, 2025, the Acting Secretary of Homeland Security formally declared a "Mass Influx of Aliens," invoking 28 C.F.R. § 65.83 to formally request state and local assistance in immigration enforcement ([DHS, 2025](#); [28 C.F.R. § 65.83](#)). This historic federal declaration authorizes Texas law enforcement officers to perform "any of the powers . . . or duties conferred or imposed" on ICE officers under INA § 103(a)(10) ([8 U.S.C. § 1103\(a\)\(10\)](#); [ICE, 2025](#)), including:

- The power and authority to interrogate any alien or person believed to be an alien as to his right to be or remain in the United States (INA § 287(a)(1) and 8 C.F.R. § 287.5(a)(1)) and to process for immigration violations those individuals who have been arrested for State or Federal criminal offenses.
- The power and authority to arrest without a warrant any alien entering or attempting to unlawfully enter the United States in the officer's presence or view, or any alien in the United States, if the officer has reason to believe the alien to be arrested is in the United States in violation of law and is likely to escape before a warrant can be obtained (INA § 287(a)(2) and 8 C.F.R. § 287.5(c)(1)). Subsequent to such arrest, the arresting officer must take the alien without unnecessary delay for examination before an immigration officer having authority to examine aliens as to their right to enter or remain in the United States.

- The power to arrest without warrant for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion, expulsion, or removal of aliens, if the officer has reason to believe the alien to be arrested is in the United States in violation of law and is likely to escape before a warrant can be obtained (INA § 287(a)(4) and 8 C.F.R. § 287.5(c)(2)).
- The power to serve and execute warrants of arrest for immigration violations under INA § 287(a) and 8 C.F.R. § 287.5(e)(3).
- The power and authority to administer oaths and to take and consider evidence (INA § 287(b) and 8 C.F.R. § 287.5(a)(2)) to complete required alien processing to include fingerprinting, photographing, and interviewing, as well as the preparation of affidavits and the taking of sworn statements for ICE supervisory review.
- The power and authority to prepare charging documents (INA § 239, 8 C.F.R. § 239.1; INA § 238, 8 C.F.R. § 238.1; INA § 241(a)(5), 8 C.F.R. § 241.8; INA § 235(b)(1), 8 C.F.R. § 235.3), including the preparation of the Notice to Appear (NTA) or other charging document, as appropriate, for the signature of an ICE officer for aliens in categories established by ICE supervisors.
- The power and authority to issue immigration detainers (8 C.F.R. § 287.7) and I-213, Record of Deportable/Inadmissible Alien, for aliens in categories established by ICE supervisors.
- The power and authority to take and maintain custody of aliens arrested by ICE, or another State or local law enforcement agency on behalf of ICE (8 C.F.R. § 287.5(c)(6)).
- The power and authority to take and maintain custody of aliens arrested pursuant to the immigration laws and transport (8 C.F.R. § 287.5(c)(6)) such aliens to ICE-approved detention facilities.

By requiring law enforcement to participate in this program, it expands intelligence-sharing mechanisms between state, local, and federal law enforcement agencies to enhance Immigration and Customs Enforcement (ICE) operations and disrupt transnational criminal organizations operating within the state. Now that the Task Force Model has been reinstated, Texas has a unique opportunity to fully integrate all three 287(g) enforcement models into a statewide immigration enforcement framework, ensuring that every law enforcement agency—whether it has a jail or not—can actively contribute to securing Texas communities.

By leveraging our constitutional authority and with the Trump administration's explicit support, Texas now possesses a historic opportunity to establish a self-sustaining, state-controlled immigration enforcement system that operates independently of federal policy fluctuations ([U.S. Const. art. I § 9, cl. 1; U.S. Const. amend. X](#)). This legislative session, we have an opportunity to set the standard for interior enforcement in the nation.

Governor Abbott emphasized his commitment to support the Trump Administration's efforts in his 2025 State of the State address, stating, "Today, we have a President who will partner with Texas to deny illegal entry. To support that mission, I have ordered Texas state agencies to assist the Trump Administration with arresting, jailing, and deporting illegal immigrants. We must also require cities and counties across the state to fully cooperate with these efforts" ([Office of the Texas Governor, 2025](#)).

Lt. Governor Patrick reiterated this sentiment on Fox News, stating, "The first thing we're going to do is pass Senate Bill 8, one of my priority bills, so that everyone in Texas has to conform with [the] 287(g) program" ([Dan Patrick Official Website, 2025](#)).

Additionally, Attorney General Ken Paxton signed an immigration enforcement agreement with the Trump Administration, becoming the first Texas law enforcement entity to formally assist with and facilitate the mass deportation of illegal aliens. AG Paxton recently issued a call to action for all law enforcement agencies in Texas, stating, "As the top law enforcement official in Texas, I call on all agencies and departments to join me in the fight. We will enforce the law and protect America" ([Attorney General of Texas, 2025](#)).

Currently, Senate Bill 8 mandates participation from sheriff's departments in counties with populations exceeding 100,000. TPPF would also support removing this parameter so that all state, county, municipal police departments, and constables could collaborate with ICE to keep our communities safe. We believe that the cartels, smuggling organizations, and criminal illegal aliens would gravitate their operations toward jurisdictions that do not participate, undermining the overall effectiveness of immigration enforcement efforts.

Sheriff's deputies and police officers play a vital role in the safety of our communities, and no one knows their community better than the law enforcement officers who spend every day with them. Securing our communities, state, and nation will require a whole of government strategy where everyone has a role.

Nothing is more fundamental to the continued existence of the states than their ability to defend their borders and protect their sovereignty. This is Texas' moment to act decisively. Leveraging President Trump's executive orders, DHS's recent invocation of emergency immigration enforcement provisions, and existing federal legal authority, Texas will set a national standard in immigration enforcement.

Thank you for your consideration of this legislation, and we welcome any questions you may have.

REFERENCES

8 U.S.C. § 1103(a)(10). <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1103&num=0&edition=prelim>

28 C.F.R. § 65.83. <https://www.law.cornell.edu/cfr/text/28/65.83>

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Office of the Texas Governor. (2025, February 2). *Governor Abbott delivers 2025 State of the State address* [Press release]. <https://gov.texas.gov/news/post/governor-abbott-delivers-2025-state-of-the-state-address>

U.S. Const. amend. X. <https://constitution.congress.gov/constitution/amendment-10/>

U.S. Const. art. I § 9, cl. 1. <https://constitution.congress.gov/browse/article-1/section-9/clause-1/>

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U.S. Const. art. IV § 4. <https://constitution.congress.gov/browse/article-4/section-4/>

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TEXAS PUBLIC POLICY FOUNDATION

901 Congress Avenue, Austin, Texas 78701 | (512) 472-2700 | www.TexasPolicy.com