
DIGEST

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HB 676 Engrossed

2017 Regular Session

Hodges

Abstract: Prohibits state agencies and political subdivisions from enacting or adopting certain policies with respect to immigration enforcement.

Proposed law defines "sanctuary policy" as any order, ordinance, rule, law, policy, regulation or guideline, formally adopted, that provides for any of the following:

- (1) Prohibits or discourages cooperation with I.C.E. in the enforcement of federal immigration law.
- (2) Prohibits or discourages officers from sending, requesting, receiving, maintaining, or exchanging information with I.C.E.
- (3) Prevents law enforcement officers from asking any suspect, arrestee, or other person under lawful detention for his name, date and place of birth, and immigration status while enforcing or conducting an official investigation into a violation of any state law or local ordinance.

Proposed law prohibits a state agency or political subdivision from adopting a sanctuary policy. Proposed law further provides that any state agency or political subdivision that enacts or adopts a sanctuary policy will be subject to the provisions of proposed law.

Proposed law provides that a political subdivision must certify to the division of administration by affidavit that it is in compliance with the provisions of proposed law and federal immigration laws in order to be eligible for state grant funds or general appropriation funds. If the political subdivision is found not to be in compliance with proposed law by the attorney general and enjoined by a judicial order, the attorney general shall ensure that the state recovers all monies received by the state agency or political subdivision from the time it became noncompliant with proposed law.

Proposed law requires each sheriff, chief of police, and governing authority of every political subdivision with law enforcement powers and agency head of every state agency with law enforcement powers to provide each law enforcement officer within its agency or subdivision with a printed copy of the provisions of proposed law and with written notice of the law enforcement officer's duty to cooperate.

Proposed law allows any person or entity, including the federal government or member of the state legislature, to file a written complaint with the attorney general and requires them to provide evidence regarding a violation of proposed law. Proposed law further provides that the state agency

or political subdivision must comply with document requests from the attorney general related to the complaint.

Proposed law provides that if the attorney general determines that the state agency or political subdivision has a sanctuary policy, the attorney general shall issue an opinion outlining the violation within 10 days of the determination and shall send the opinion to the head of the state agency or political subdivision, the governor, the treasurer, speaker of the House, president of the Senate, and each member of the House Committee on Appropriations and the Senate Committee on Finance.

Proposed law requires that upon notification by the attorney general of a violation of proposed law, the state agency or political subdivision has 90 days to repeal the sanctuary policy and failure to do so allows the attorney general to file action for declaratory and injunctive relief against the state agency or political subdivision in violation of proposed law.

Proposed law states that upon adjudication by the court declaring that a state agency or political subdivision is in violation of proposed law, the court shall enjoin the sanctuary policy and order civil penalties to the state between \$1,000-\$5,000 for each day that the state agency or political subdivision remains noncompliant with proposed law after the injunction is granted.

Proposed law allows the prevailing party to recover reasonable expenses, including court costs, reasonable attorney fees, investigative costs, witness fees, and deposition costs.

Proposed law requires that the treasurer adopt rules to implement the proposed law penalties.

(Adds R.S. 49:1401-1407)