

2016 Regular Session

HOUSE BILL NO. 151

BY REPRESENTATIVE HODGES

ALIENS/ILLEGAL: Prohibits the creation of sanctuary cities

1 AN ACT

2 To enact Chapter 21 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 49:1401 through 1403, relative to immigration; to prohibit a state agency or
4 political subdivision of the state from adopting a sanctuary policy; to provide
5 definitions; to provide sanctions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Chapter 21 of Title 49 of the Louisiana Revised Statutes of 1950,
8 comprised of R.S. 49:1401 through 1403, is hereby enacted to read as follows:

9 CHAPTER 21. ILLEGAL ALIEN SANCTUARY POLICY

10 PROHIBITION ACT

11 PART I. GENERAL PROVISIONS

12 §1401. Title

13 This Chapter may be cited as the "Illegal Alien Sanctuary Policy Prohibition
14 Act".

15 §1402. Definitions

16 (1) "Alien" means a person who is not a United States citizen.

17 (2) "Illegal alien" means an alien who has entered the United States illegally
18 and is deportable if apprehended or an alien who entered the United States legally
19 but who has fallen "out of status" and is deportable.

1 (3) "Legal alien" means an alien who has been granted the right by the
2 United States Citizenship and Immigration Services to reside permanently in the
3 United States and to work without restrictions in the United States.

4 (4) "Sanctuary policy" means any order, ordinance, rule, law, law
5 enforcement policy, or guideline whether formally or informally adopted that
6 provides for any of the following:

7 (a) Limits or prohibits any state agency or political subdivision official or
8 employee from communicating or cooperating with federal agencies or officials to
9 verify or report the immigration status of any alien within that state agency or
10 political subdivision.

11 (b) Grants to illegal aliens the right of lawful presence or status within the
12 state agency or political subdivision of the state in violation of federal law.

13 (c) Violates any provision of 8 U.S.C. 1373.

14 (d) Restricts or imposes any conditions upon the cooperation or compliance
15 of the state agency or a political subdivision of the state with detainers or other
16 requests from United States Immigration and Customs Enforcement to maintain
17 custody of any alien or to transfer any alien to the custody of United States
18 Immigration and Customs Enforcement.

19 (e) Requires United States Immigration and Customs Enforcement to obtain
20 a warrant or demonstrate probable cause before complying with detainers or other
21 requests from United States Immigration and Customs Enforcement to maintain
22 custody of any alien or to transfer any alien to the custody of United States
23 Immigration and Customs Enforcement.

24 (f) Prevents the law enforcement officers of a political subdivision of the
25 state from asking any individual his citizenship or immigration status.

26 §1403. Sanctuary policy prohibition; penalties

27 A. No state agency or political subdivision of the state shall enact or adopt
28 any sanctuary policy.

1 B.(1) Notwithstanding any other provision of law to the contrary, any state
2 agency or political subdivision of the state of Louisiana that enacts or adopts a
3 sanctuary policy shall be ineligible for funds appropriated in the General
4 Appropriations Act, the Capital Outlay Act, or any other appropriation act, and shall
5 be ineligible to receive funds from grants or other disbursements administered by
6 any agency or department until the sanctuary policy is repealed or is no longer in
7 effect.

8 (2) Upon receiving a complaint from any resident of the state of Louisiana
9 regarding a violation of this Chapter by a specific state agency, or political
10 subdivision of this state, the attorney general of the state of Louisiana shall issue an
11 opinion to determine whether the state agency or political subdivision has enacted
12 or adopted policies in contravention of this Chapter.

13 (3) If the attorney general issues an opinion stating that the state agency or
14 political subdivision has a sanctuary policy in place that violates the provisions of
15 this Chapter, the state agency or political subdivision shall be ineligible to receive
16 funds appropriated in the General Appropriations Act, the Capital Outlay Act, or any
17 other appropriation act, and shall be ineligible to receive funds provided through
18 grants or other disbursements administered by any state agency or department until
19 the attorney general of the state of Louisiana certifies that the sanctuary policy is
20 repealed or is no longer in effect.

21 C. Prior to the provision of funds or awarding of any grants to a state agency
22 or political subdivision of this state, any member of the state legislature may request
23 that the attorney general of the state of Louisiana issue an opinion to determine
24 whether the state agency or political subdivision has enacted or adopted policies in
25 contravention of the provisions of this Chapter. Any state agency or political
26 subdivision deemed ineligible for any monies under this Chapter shall remain
27 ineligible until the attorney general of the state of Louisiana certifies that the state
28 agency or political subdivision has come into full compliance with this Chapter.

1 D. The governing body, sheriff, or chief of police of each political
2 subdivision of the state shall provide each law enforcement officer with a printed
3 copy of this Chapter and with written notice of his duty to cooperate with state and
4 federal agencies and officials on matters pertaining to enforcement of state and
5 federal laws governing immigration. Every state agency with law enforcement
6 powers shall provide each law enforcement officer with a printed copy of the
7 provisions of this Chapter and with written notice of his duty to cooperate with state
8 and federal agencies and officials on matters pertaining to enforcement of state and
9 federal laws governing immigration.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 151 Original

2016 Regular Session

Hodges

Abstract: Prohibits local governments and state agencies from developing sanctuary policies that assist illegal aliens in evading U.S. Immigration and Naturalization Laws.

Proposed law prohibits a state agency or political subdivision of the state from adopting a sanctuary policy.

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

- (1) Limits or prohibits any state agency or political subdivision from communicating or cooperating with federal agencies or officials to verify or report the immigration status of any alien within that state agency or political subdivision.
- (2) Grants to illegal aliens the right of lawful presence or status within the state agency or political subdivision of the state in violation of federal law.
- (3) Violates federal immigration law.
- (4) Restricts or imposes any conditions upon the state agency or the political subdivision of the state's cooperation or compliance with detainers or other requests from U.S. Immigration and Customs Enforcement.
- (5) Requires U.S. Immigration and Customs Enforcement to obtain a warrant or demonstrate probable cause before complying with detainers or other requests.
- (6) Prevents the political subdivision of the state's law enforcement officers from asking any individual about his citizenship or immigration status.

Proposed law provides that any state agency or political subdivision of this state that enacts or adopts a sanctuary policy shall be ineligible for funds appropriated in the General Appropriations Act, the Capital Outlay Act, other appropriation act, or through any funds received from any grants administered by any agency or department until the sanctuary policy is repealed or is no longer in effect.

Proposed law requires the attorney general to issue an opinion regarding whether the state agency or political subdivision violated the provisions of proposed law by adopting a sanctuary policy.

Proposed law provides that the action of the attorney general can be instituted upon complaint of a citizen or request of a member of the Louisiana Legislature.

(Adds R.S. 49:1401-1403)