AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

CHAPTER 21. ILLEGAL ALIEN SANCTUARY POLICY PROHIBITION ACT

PART I. GENERAL PROVISIONS

§1401. Title

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

§1402. Definitions

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

(2) "Illegal alien" means an alien who has entered the United States illegally and is deportable if apprehended or an alien who entered the United States legally but who has fallen "out of status" and is deportable.
(3) "Legal alien" means an alien who has been granted the right by the
United States Citizenship and Immigration Services to reside permanently in the
United States and to work without restrictions in the United States.

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

(a) Limits or prohibits any state agency or political subdivision official or
employee 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.

(b) 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.

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

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

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

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

§1403. Sanctuary policy prohibition; penalties

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

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

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

C. Prior to the provision of funds or awarding of any grants to a state agency or political subdivision of this state, any member of the state legislature may request that the attorney general of the state of Louisiana issue an opinion to determine whether the state agency or political subdivision has enacted or adopted policies in contravention of the provisions of this Chapter. Any state agency or political subdivision deemed ineligible for any monies under this Chapter shall remain ineligible until the attorney general of the state of Louisiana certifies that the state agency or political subdivision has come into full compliance with this Chapter.
D. The governing body, sheriff, or chief of police of each political subdivision of the state shall provide each law enforcement officer with a printed copy of this Chapter and with written notice of his duty to cooperate with state and federal agencies and officials on matters pertaining to enforcement of state and federal laws governing immigration. Every state agency with law enforcement powers shall provide each law enforcement officer with a printed copy of the provisions of this Chapter and with written notice of his duty to cooperate with state and federal agencies and officials on matters pertaining to enforcement of state and 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.


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.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
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)