
DIGEST

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HB 1148 Engrossed

2016 Regular Session

Hodges

Abstract: Prohibits state departments, agencies, and offices and state or local political subdivisions from developing certain policies with respect to immigration enforcement.

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

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 department, agency, or office or any state or local 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 in violation of federal law.
- (3) Violates federal immigration law.
- (4) Restricts or imposes any conditions upon the state department, agency, or office or any state or local political subdivision'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 to maintain custody of any illegal alien or to transfer any illegal alien.
- (6) Prevents the state or local political subdivision's law enforcement officers from asking any suspect, arrestee, or other person in custody about his citizenship or immigration status.

Proposed law allows the attorney general, on his own accord or upon the receipt of a complaint from any Louisiana resident regarding a violation of proposed law, to issue an opinion outlining written findings of fact that describe with specificity the existence and nature of the sanctuary policy and notice of violation.

Proposed law provides that no state funds from the treasury shall be expended to fund the

implementation or enforcement of a sanctuary policy of a state department, agency, or office.

Proposed law provides that if there is a violation by the a state department, agency, or office, the attorney general shall send notice to the Joint Legislative Committee on the Budget, which shall conduct an oversight hearing to determine if appropriations of the state department, agency, or office shall be restricted. Proposed law further provides that if the violation is by a state department, agency, or office, the opinion and notice will be sent to the department, agency, or office head, the governor, president of the Senate, speaker of the House of Representatives, and to each member of the House Committee on Appropriations and the Senate Committee on Finance.

Proposed law provides that if the violation is by a state or local political subdivision, the opinion and notice will be sent to the treasurer and the State Bond Commission. Once the treasurer receives a notice of violation, the treasurer shall deny any request for bonds, notes, or other evidence of indebtedness until the sanctuary policy has been withdrawn.

Proposed law allows notice of violation to be withdrawn when the attorney general issues a second opinion and written confirmation or the State Bond Commission is provided with sufficient evidence that the sanctuary policy is no longer in effect.

Proposed law requires the governing authority, sheriff, or chief of police of each state or local political subdivision or state department, agency, or office to provide each law enforcement officer with a printed copy of the provisions of proposed law and with written notice of his duties to cooperate.

(Adds R.S. 39:1405.5 and R.S. 49:1401-1405)