

Senate Local Government Committee



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House Bill 1885 (White)

SYNOPSIS:

House Bill 1885 amends Title 42 (Judiciary and Judicial Procedure) and Title 53 (Municipalities Generally) in regard to sanctuary municipalities, providing for reporting requirements and holding sanctuary municipalities liable for damage to person or property by an unauthorized alien.

SUMMARY:

House Bill 1885 amends Title 42 (Judiciary and Judicial Procedure) and Title 53 (Municipalities Generally) in regard to sanctuary municipalities. Under this legislation, a sanctuary municipality shall be held liable for damages to a person or property as a result of criminal activity by an unauthorized alien if:

- Federal immigration officials have determined the person who engaged in criminal activity is an unauthorized alien,
- the alien is a resident of the municipality,
- the alien is convicted of the crime that caused the injury,
- and the criminal activity is the proximate cause of the damages.

This bill defines sanctuary municipalities as municipalities that prohibit or restrict its officials or employees from:

- sending or receiving communication to or from Federal immigration officials any information relating to the citizenship status of an individual,
- exchanging citizenship information with other Federal agencies, State agencies or municipalities,
- inquiring about an individual's name, date, place of birth or citizenship status while enforcing violations of State law or,
- requesting an applicant for State or local public benefits to provide proof of eligibility.

This legislation also provides that a municipality may not restrict or prohibit a public official or employee from communicating with or cooperating with the Federal Government concerning the citizenship status of an individual in the Commonwealth. The municipality must also provide written notice to each public official or employee as to their duty to communicate and cooperate with the appropriate Federal official concerning enforcement of any Federal or State immigration law. Within 90 days of the effective date of the bill the municipality shall submit a report to DCED that they are in compliance with the requirements of the legislation.

Under this bill, a law enforcement officer of a municipality must report individuals who they have reasonable cause to suspect are not legally present in the United States to the appropriate United States Immigration and Customs Enforcement office.

On or before March 1st of each year, a municipality shall report to DCED the number of reports made by law enforcement officers of the municipality regarding suspected unauthorized aliens. On or before April 1st of each year, the Department shall compile the reports received under this act and submit a cumulative report to the General Assembly. The State Treasury shall withhold payment of Commonwealth funds to any municipality that fails to comply with the requirements of this act until compliance is achieved by the municipality.

Effective Date: 60 days.