



## SENATE OF PENNSYLVANIA BILL SUMMARY

### Senate Bill 10 Printer's No. 143

Prime Sponsor: Reschenthaler  
Committee: Local Government

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#### **SYNOPSIS:**

Amends Title 42 (Judiciary and Judicial Procedures) and 53 (Municipalities Generally) to hold a "municipality of refuge" accountable for not enforcing State and Federal laws relating to immigration.

#### **SUMMARY:**

Defines "municipality of refuge" as:

A municipality that permits the release of an individual in the custody of the law enforcement agency of the municipality notwithstanding the existence of a United State Immigration and Customs Enforcement civil immigration detainer request for the individual.

Amends Title 42 to impose liability on a "municipality of refuge" for damages done by an individual released from the custody of the municipality's law enforcement agency despite a United States Immigration and Customs civil immigration detainer request for the individual.

Amends Title 53 to require municipalities to enforce Federal law, mandates, requests and orders relating to immigration and prevents municipalities from adopting rules, orders, ordinances, or policies prohibiting enforcement of Federal or State immigration laws.

Makes municipalities ineligible to receive State grants and to participate in the sale of State surplus property, should they refuse to enforce an immigration order.

Amendment A00015: Makes municipalities of refuge ineligible for any State grant – not just those for law enforcement.

Amendment A00016: – Creates a new exception to sovereign immunity in instances in which an individual is improperly detained pursuant to an ICE request and in compliance with the requirements of the underlying bill.

Amendment A00017: – Requires the Commonwealth to reimburse municipalities for the full cost of any civil judgement imposed against the municipality for its compliance with the underlying bill.

Amendment A00018: – Creates a new exception to governmental immunity for instances in which an individual is improperly stopped, searched, or detained as a result of racial profiling.

Amendment A00024: – Preserves a municipality’s immunity from liability in the case of a violation of the underlying bill.

Amendment A00026: – In violating the underlying bill, a municipality would only be held liable if:

1. Injury or property damage was caused by an individual in custody of municipality’s law enforcement.
  2. Individual was released from custody despite an ICE request.
  3. Injury or damage was caused within 24 hours of release of individual.
- Also, limits recoverable damages associated with these exceptions to \$1,000.

Effective Date: 60 Days

**BILL HISTORY:**

Referred to Local Government, Jan. 20, 2017

Prepared by: Marsicano 1/24/2017