
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alan Miller.

DIGEST

SB 208 Reengrossed

2024 Regular Session

Miguez

Proposed law provides definitions for the following terms: "federal immigration agency", "immigration detainer", "detainee", "law enforcement agency", "local governmental entity", "sanctuary policy", and "state entity".

Proposed law prohibits a state entity, law enforcement agency, or local governmental entity from adopting an illegal alien sanctuary policy.

Proposed law requires law enforcement agencies in this state to cooperate with federal immigration authorities and use best efforts to support the enforcement of federal immigration law.

Proposed law prohibits a state entity, law enforcement agency, or local government entity from restricting a law enforcement agency from exchanging information with a federal immigration agency or another governmental or law enforcement agency for the purposes of proposed law.

Proposed law requires law enforcement agencies that have custody of a detainee illegal alien subject to an immigration detainer issued by a federal immigration agency to perform the following:

- (1) Provide to the judge authorized to grant or deny the detainee's release on bail notice that the detainee is subject to an immigration detainer.
- (2) Record in the detainee's case file that the detainee is subject to an immigration detainer and comply with the requests made in the immigration detainer.

Proposed law requires a judge who receives notice that a detainee is subject to an immigration detainer to record the fact in the court record, regardless of whether the notice is received before or after a judgment in the case.

Proposed law requires each parish correctional facility to enter into an agreement or agreements with a federal immigration agency for temporarily housing detainees who are the subject of immigration detainers and for the payment of the costs of housing and detaining those detainees.

Proposed law authorizes the attorney general, in consultation with the governor, to file suit against a local governmental entity or local law enforcement agency in the 19th JDC for declaratory or injunctive relief for a violation of proposed law.

Proposed law provides that if the local governmental entity or local law enforcement agency is found by a trial court to have violated proposed law, proposed law requires the court to enjoin the unlawful sanctuary policy practiced by any local governmental entity or local law enforcement agency.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 33:81-85)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Makes technical changes.
2. Removes provision authorizing the governor to initiate judicial proceedings against an executive or administrative state, parish, or municipal officer that violates proposed law.
3. Adds requirement for the attorney general to consult with the governor prior to filing suit against a local governmental entity or local law enforcement agency for violation of proposed law.
4. Clarifies that a trial court is required to find the local governmental entity or local law enforcement agency to have violated proposed law prior to enjoining any unlawful sanctuary policy.
5. Removes provision authorizing the governor to suspend any state funding to the local governmental entity or local law enforcement agency he finds to have violated proposed law prior to a court enjoining any unlawful sanctuary policy.