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## DIGEST

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HB 676 Reengrossed

2017 Regular Session

Hodges

**Abstract:** Prohibits state agencies and political subdivisions from enacting or adopting certain policies with respect to immigration enforcement.

Proposed law defines "sanctuary policy" as any order, ordinance, rule, law, policy, regulation or guideline, formally adopted, that provides for any of the following:

- (1) Prohibits or discourages cooperation with Immigration and Customs Enforcement "I.C.E." in the enforcement of federal immigration law.
- (2) Prohibits or discourages officers from sending, requesting, receiving, maintaining, or exchanging information with I.C.E.
- (3) Prevents law enforcement officers from asking any person under lawful arrest for his or her name, date and place of birth, and immigration status while enforcing or conducting an official investigation into a violation of any state law or local ordinance.

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

Proposed law provides that on or before Jan. 1, 2018, and on or before Jan. 1 of each year thereafter, a political subdivision shall certify to the division of administration by affidavit that it is in compliance with the provisions of proposed law regarding cooperation with federal immigration laws in order to be eligible for state grant funds or general appropriation funds.

If the political subdivision is found not to be in compliance with proposed law by the attorney general and is subsequently enjoined by a judicial order pursuant to proposed law, the attorney general shall ensure that the state recovers any state grant funds and general appropriation funds received by the political subdivision from the time it became noncompliant with proposed law.

Proposed law requires each sheriff, chief of police, governing authority of a political subdivision with law enforcement powers, and agency head of a state agency with law enforcement powers to provide each law enforcement officer within its agency or subdivision with a printed copy of the provisions of proposed law and with written notice of the law enforcement officer's duty to cooperate with federal agencies on matters pertaining to the enforcement of federal immigration laws.

Proposed law allows any person or entity, including the federal government or member of the state legislature, to file a written complaint with the attorney general and requires them to provide evidence regarding a violation of proposed law. Proposed law further provides that the state agency or political subdivision must comply with document requests from the attorney general related to the complaint.

Proposed law provides that if the attorney general determines, after investigating the complaint, that the state agency or political subdivision has a sanctuary policy, the attorney general shall issue an opinion outlining the violation within 10 days of the determination and shall send the opinion to the head of the state agency or political subdivision, the governor, the treasurer, speaker of the House, president of the Senate, and each member of the Joint Legislative Committee on the Budget.

Proposed law requires that upon notification by the attorney general of a violation of proposed law, the state agency or political subdivision has 90 days to repeal the sanctuary policy and failure to do so allows the attorney general to file action for declaratory and injunctive relief against the state agency or political subdivision in violation of proposed law.

Proposed law states that upon adjudication by the court declaring that a state agency or political subdivision is in violation of proposed law, the court shall enjoin the sanctuary policy and shall provide notice of the court's order to state agency or political subdivision named in the order, the governor, treasurer, speaker of the House, president of the Senate, and each member of the Joint Legislative committee on the Budget.

Proposed law further provides that the state agency or political subdivision subject to the court's order enjoining the unlawful sanctuary policy shall be ineligible to receive state grant funds or general appropriation funds beginning the following fiscal year. This ineligibility continues until the attorney general issues an opinion declaring that the state agency or political subdivision no longer has an unlawful sanctuary policy and sends notice to the governor, treasurer, president of the Senate, speaker of the House, and each member of the Joint Legislative Committee on the Budget.

Proposed law provides that proper venue is in the district court where the governing authority is located and provides the court with continuing jurisdiction over the parties and the subject matter and may enforce its orders with contempt of court or take any other action within the jurisdiction of the court to ensure compliance.

Proposed law allows the prevailing party to recover reasonable expenses, including court costs, reasonable attorney fees, investigative costs, witness fees, and deposition costs.

Proposed law requires that the treasurer adopt rules to implement the proposed law and to ensure that the ineligibility to receive state grant funds or general appropriation funds is not imposed any state agency or political subdivision not named in the attorney general opinion and judicial order.

(Adds R.S. 49:1401-1407)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove from the definition of "sanctuary policy" policies that prevent law enforcement officers from asking certain questions of any suspect or other person under lawful detention.
2. Amend the proposed law provision that requires a political subdivision of the state to certify its compliance with proposed law to require the submission of such certification on or before Jan. 1 of each year beginning on Jan. 1, 2018.
3. Specify that the monies that are able to be recovered by the attorney general from a political subdivision found to be in violation of proposed law and enjoined by judicial order includes state grand funds and general appropriation funds.
4. Clarify that those entities that are required to receive a printed copy of the provisions of proposed law and written notice of the duty to cooperate with federal agencies on matters pertaining to the enforcement of federal immigration laws include each sheriff, chief of police, governing authority of a political subdivision with law enforcement powers, and agency head of a state agency with law enforcement powers.
5. Replace "House Committee on Appropriation and Senate Committee on Finance" with "Joint Legislative Committee on the Budget" with respect to those entities required to receive notice of the attorney general's opinions and courts' orders enjoining unlawful sanctuary policies.
6. Provide that if the court enjoins the unlawful sanctuary policy, the entity subject to the court's order shall be ineligible to receive state grand funds or general appropriation funds beginning the following fiscal year and shall continue until the attorney general issues a subsequent opinion and sends notice to the required entities that the entity no longer has an unlawful sanctuary policy.
7. Remove proposed law provisions that would have authorized the court to order the payment of a civil penalty of \$1,000 to \$5,000 a day by the state agency or political subdivision that is subject to the court's order enjoining an unlawful sanctuary policy.
8. Authorize the court that ordered the injunction against the state agency or political subdivision to take any other action within its jurisdiction to ensure compliance with proposed law.
9. Amend the purposes for which the state treasurer is authorized to adopt rules and regulations to include rules and regulations that ensure that the ineligibility to receive state grant funds or general appropriation funds is not imposed upon a state agency or political subdivision not named in the attorney general's opinion and judicial order.
10. Make technical corrections.

