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## DIGEST

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HB 453 Engrossed

2016 Regular Session

Jay Morris

**Abstract:** Provides for the cooperation of local governing authorities and law enforcement agencies in the enforcement of federal immigration laws and provides for civil remedies for failure to do so.

Proposed law prohibits local governing authorities and officials from adopting or enforcing the following types of ordinances:

- (1) Prohibits local officers, officials, and employees from communicating or cooperating with federal immigration officials.
- (2) Limits law enforcement investigations into the immigration status of a suspect, arrestee, or other person in custody.
- (3) Declines to honor a request by federal immigration officials to hold a person in custody until federal officials can assume custody.

Proposed law provides for a cause of action for injuries caused by a person who should have been detained for his immigration status, but was not in violation of proposed law. Provides for the award of damages, including attorney fees and costs. Provides that the attorney general or certain citizens may petition for a writ of mandamus, and provides for the recovery of attorney fees and costs.

Proposed law allows the attorney general to recover from a governing authority or official of a local government subdivision who has a policy in contravention of proposed law all state expended costs associated with the tortious acts or omissions of a person who should have been detained but was not detained based on a policy in violation of proposed law.

(Adds R.S. 49:1401-1403)

### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Provides that a local governing authority or official cannot adopt a policy that limits law enforcement investigations into the immigration status of a suspect, arrestee, or other person in custody.

2. Removes the provisions creating a duty of a peace officer to report the immigration status of a person under arrest to the U.S. Immigration and Customs Enforcement Office.
3. Removes liability provisions applicable to law enforcement agencies.
4. Allows the attorney general to recover all state expended funds from a governing authority or official associated with a person who should have been detained but was not due to a policy that was in contravention of proposed law.
5. Removes the provisions dealing with fiscal sanctions for violations of a court ordered writ of mandamus or proposed law.
6. Adds that the attorney general has standing to bring a writ of mandamus.
7. Makes technical amendments.