

HOUSE BILL No. 1295

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-18.2.

Synopsis: Complying with federal immigration enforcement. Prohibits a governmental body from limiting or restricting the enforcement of federal immigration laws, including limiting or restricting another governmental body from: (1) complying with an immigration detainer; (2) providing a federal immigration official access to an inmate for interview; (3) initiating an immigration status investigation; or (4) providing a federal immigration official with the incarceration status or release date of an inmate in custody of a state or local governmental body. (Current law allows a: (1) person lawfully domiciled in Indiana to bring an action to compel a governmental body to comply with these provisions; and (2) court to enjoin a violation.) Provides that the provisions concerning prohibited actions by governmental bodies regarding enforcement of federal immigration laws must be implemented in a manner consistent with federal laws regulating immigration, protecting the civil rights of all persons, and respecting the privileges and immunities of United States citizens. Provides that the provisions concerning prohibited actions by governmental bodies regarding enforcement of federal immigration laws must be enforced without regard to race, color, religion, gender, ethnicity, or national origin, except to the extent permitted by the Constitution of the United States or the Constitution of the State of Indiana. (Current law requires the provisions be enforced without regard to race, religion, gender, ethnicity, or national origin.)

Effective: Upon passage.

Judy

January 12, 2016, read first time and referred to Committee on Judiciary.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1295

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-18.2-0.4 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 0.4. As used in this chapter,**
4 **"federal immigration agency" means:**

- 5 (1) **the United States Department of Homeland Security, or its**
6 **successor agency, and any of its subagencies, including the:**
7 (A) **United States Immigration and Customs Enforcement;**
8 **and**
9 (B) **United States Customs and Border Protection; or**
10 (2) **any other federal agency charged with or otherwise**
11 **engaged in the enforcement of immigration law.**

12 SECTION 2. IC 5-2-18.2-0.6 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE UPON PASSAGE]: **Sec. 0.6. As used in this chapter,**
15 **"federal immigration official" means an official of:**

- 16 (1) **the United States Department of Homeland Security, or its**
17 **successor agency, and any of its subagencies, including the:**



- 1 **(A) United States Immigration and Customs Enforcement;**
 2 **and**
 3 **(B) United States Customs and Border Protection; or**
 4 **(2) any other federal agency charged with or otherwise**
 5 **engaged in the enforcement of immigration law.**

6 SECTION 3. IC 5-2-18.2-1.2 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE UPON PASSAGE]: **Sec. 1.2. As used in this chapter,**
 9 **"immigration detainer" means a written request issued on behalf**
 10 **of the United States Department of Homeland Security to another**
 11 **federal, state, or local law enforcement agency to provide notice of**
 12 **release and to detain an individual based on an inquiry into**
 13 **immigration status or an alleged violation of a civil immigration**
 14 **law, including detainers issued:**

- 15 **(1) under 8 CFR 236.1 or 8 CFR 287.7; or**
 16 **(2) on the United States Department of Homeland Security**
 17 **Form I-247N "Request for Voluntary Notification of Release**
 18 **of Suspected Priority Alien", Form I-247D "Immigration**
 19 **Detainer - Request for Voluntary Action", or any successor**
 20 **detainer form.**

21 SECTION 4. IC 5-2-18.2-1.4 IS ADDED TO THE INDIANA
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE UPON PASSAGE]: **Sec. 1.4. As used in this chapter,**
 24 **"inmate" means any individual in the custody of a law enforcement**
 25 **agency.**

26 SECTION 5. IC 5-2-18.2-1.6 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE UPON PASSAGE]: **Sec. 1.6. As used in this chapter,**
 29 **except for section 7 of this chapter, "law enforcement agency"**
 30 **means an agency or a political subdivision in Indiana that is**
 31 **charged with the enforcement of state, county, municipal, or**
 32 **federal laws or managing custody of detained individuals in**
 33 **Indiana, including:**

- 34 **(1) county, city, or town police departments;**
 35 **(2) sheriffs' departments;**
 36 **(3) the state police department; or**
 37 **(4) a police department established under IC 21-17-5-2 or**
 38 **IC 21-39-4-2 by the board of trustees of a public or private**
 39 **postsecondary educational institution.**

40 SECTION 6. IC 5-2-18.2-3, AS ADDED BY P.L.171-2011,
 41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: **Sec. 3. A governmental body may not enact or**



1 implement an ordinance, a resolution, a rule, or a policy that prohibits
 2 or in any way restricts another governmental body, including a law
 3 enforcement officer, a state or local official, or a state or local
 4 government employee, from taking the following actions with regard
 5 to information of the citizenship or immigration status, lawful or
 6 unlawful, of an individual:

- 7 (1) Communicating or cooperating with federal officials.
- 8 (2) Sending to or receiving information from the United States
 9 Department of Homeland Security.
- 10 (3) **Acquiring or** maintaining information.
- 11 (4) Exchanging information with another federal, state, or local
 12 government entity.

13 SECTION 7. IC 5-2-18.2-3.5 IS ADDED TO THE INDIANA
 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. A governmental body**
 16 **may not limit or restrict the enforcement of federal immigration**
 17 **laws, including limiting or restricting another governmental body**
 18 **from:**

- 19 (1) **complying with an immigration detainer;**
- 20 (2) **providing a federal immigration official or federal**
 21 **immigration agency access to an inmate for interview;**
- 22 (3) **initiating an immigration status investigation; or**
- 23 (4) **providing a federal immigration official or federal**
 24 **immigration agency with the incarceration status or release**
 25 **date of an inmate in custody of a state or local governmental**
 26 **body.**

27 SECTION 8. IC 5-2-18.2-6, AS ADDED BY P.L.171-2011,
 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 UPON PASSAGE]: Sec. 6. If a court finds that a governmental body
 30 knowingly or intentionally violated section 3, **3.5**, or 4 of this chapter,
 31 the court shall enjoin the violation.

32 SECTION 9. IC 5-2-18.2-8, AS ADDED BY P.L.171-2011,
 33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]: Sec. 8. This chapter shall be enforced without
 35 regard to race, **color**, religion, gender, ethnicity, or national origin,
 36 **except to the extent permitted by the Constitution of the United**
 37 **States or the Constitution of the State of Indiana.**

38 SECTION 10. IC 5-2-18.2-9 IS ADDED TO THE INDIANA CODE
 39 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: **Sec. 9. This chapter must be implemented in a**
 41 **manner consistent with federal laws regulating immigration,**
 42 **protecting the civil rights of all persons, and respecting the**



1 **privileges and immunities of United States citizens.**
2 **SECTION 11. An emergency is declared for this act.**

