

SENATE BILL No. 423

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-18.2.

Synopsis: Enforcement of federal immigration laws. Expands, for purposes of provisions regarding enforcement of federal immigration laws by governmental bodies, the definition of "governmental body" to include state educational institutions in Indiana. Defines "state educational institution", for purposes of IC 5-2-18.2 as the term is defined in IC 21-7-13-32. Prohibits postsecondary educational institutions with in-state campuses from restricting any governmental body's efforts regarding obtaining, maintaining, or sharing information regarding the citizenship or immigration status of an individual. Defines a "sanctuary policy". Provides that postsecondary educational institutions with campuses in Indiana may not adopt sanctuary policies. Exempts specified policies of postsecondary educational institutions pertaining to crime victims and witnesses to crimes from the definition of "sanctuary policy".

Effective: July 1, 2017.

Young M, Delph

January 10, 2017, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

SENATE BILL No. 423

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 5-2-18.2-1, AS ADDED BY P.L.171-2011,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 1. **(a)** As used in this chapter, "governmental
4 body" has the meaning set forth in IC 5-22-2-13.

5 **(b) The term includes a state educational institution as defined**
6 **in IC 21-7-13-32.**

7 SECTION 2. IC 5-2-18.2-2.4 IS ADDED TO THE INDIANA
8 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2017]: **Sec. 2.4. (a) As used in this chapter,**
10 **"sanctuary policy" means a formal or informal policy of a**
11 **postsecondary educational institution located in Indiana in which**
12 **any of the following apply:**

13 **(1) The postsecondary educational institution prohibits or**
14 **restricts personnel of the postsecondary educational**
15 **institution from:**

16 **(A) sending, receiving, maintaining, or exchanging**
17 **information regarding the citizenship or immigration**



- 1 status of any individual with a federal, state, or local
 2 governmental entity;
- 3 (B) honoring a lawful request by the United States
 4 Department of Homeland Security under Section 236 or
 5 Section 287 of the Immigration and Nationality Act (8
 6 U.S.C. 1226 or 8 U.S.C. 1357) to:
- 7 (i) comply with a detainer for an individual; and
 8 (ii) provide notification regarding the release of an
 9 individual; or
- 10 (C) otherwise complying with Section 642 of the Illegal
 11 Immigration Reform and Immigrant Responsibility Act of
 12 1996 (8 U.S.C. 1373).
- 13 (2) The postsecondary educational institution grants to an
 14 alien who lacks lawful immigration status in the United States
 15 the right to lawful presence or status on the campus of the
 16 postsecondary educational institution in violation of federal
 17 law.
- 18 (3) The postsecondary educational institution brings in or
 19 harbors an alien in violation of Section 274(a)(1)(A) of the
 20 Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)).
- 21 (3) Except as provided under IC 21-14-11-1, the
 22 postsecondary educational institution renders an alien who
 23 lacks a lawful immigration status in the United States eligible
 24 for any postsecondary education benefit provided on the basis
 25 of residence within Indiana to the same extent that a citizen of
 26 the United States is eligible.
- 27 (4) The postsecondary educational institution denies the
 28 United States Department of Homeland Security access to the
 29 campus of the postsecondary educational institution or access
 30 to students of the postsecondary educational institution, for
 31 purposes of United States Department of Homeland Security
 32 recruiting in a manner that is at least equal in quality and
 33 scope to the access to campuses and to students that is
 34 provided to any other employer.
- 35 (5) The postsecondary educational institution limits the
 36 postsecondary educational institution's cooperation or
 37 compliance with detainers or other requests from United
 38 States Immigration and Customs Enforcement to maintain
 39 custody of an alien or to transfer an alien to the custody of the
 40 United States Immigration and Customs Enforcement.

41 SECTION 3. IC 5-2-18.2-3, AS ADDED BY P.L.171-2011,
 42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2017]: Sec. 3. A governmental body **and a postsecondary**
 2 **educational institution** may not enact or implement an ordinance, a
 3 resolution, a rule, or a policy that prohibits or in any way restricts
 4 another governmental body, including a law enforcement officer, a
 5 state or local official, or a state or local government employee, from
 6 taking the following actions with regard to information of the
 7 citizenship or immigration status, lawful or unlawful, of an individual:

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

14 SECTION 4. IC 5-2-18.2-4, AS ADDED BY P.L.171-2011,
 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2017]: Sec. 4. A governmental body **and a postsecondary**
 17 **educational institution** may not limit or restrict the enforcement of
 18 federal immigration laws to less than the full extent permitted by
 19 federal law.

20 SECTION 5. IC 5-2-18.2-5, AS ADDED BY P.L.171-2011,
 21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2017]: Sec. 5. If a governmental body **or a postsecondary**
 23 **educational institution** violates this chapter, a person lawfully
 24 domiciled in Indiana may bring an action to compel the governmental
 25 body **or postsecondary educational institution** to comply with this
 26 chapter.

27 SECTION 6. IC 5-2-18.2-6, AS ADDED BY P.L.171-2011,
 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2017]: Sec. 6. If a court finds that a governmental body **or**
 30 **postsecondary educational institution** knowingly or intentionally
 31 violated section 3 or 4 of this chapter, the court shall enjoin the
 32 violation.

33 SECTION 7. IC 5-2-18.2-9 IS ADDED TO THE INDIANA CODE
 34 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2017]: **Sec. 9. This chapter may not be construed to restrict an**
 36 **individual described in IC 21-14-11-1(a), who is eligible to pay the**
 37 **Indiana resident tuition rate.**

38 SECTION 8. IC 5-2-18.2-10 IS ADDED TO THE INDIANA CODE
 39 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2017]: **Sec. 10. (a) A postsecondary educational institution with**
 41 **a campus in Indiana may not have a sanctuary policy.**

42 **(b) A postsecondary educational institution with a campus in**



1 **Indiana does not have a sanctuary policy under this chapter if the**
2 **postsecondary educational institution has a policy under which a**
3 **victim of a crime or a witness to a crime may decline to:**

4 **(1) send to, receive from, maintain, or exchange with any**
5 **federal, state, or local government entity information**
6 **regarding the citizenship or immigration status of the**
7 **individual; or**

8 **(2) comply with a request made by the United States**
9 **Department of Homeland Security under Section 236 or**
10 **Section 287 of the Immigration and Nationality Act (8 U.S.C.**
11 **1226 or 8 U.S.C. 1357) to:**

12 **(A) comply with a detainer for an individual; or**

13 **(B) provide notification regarding the release of an**
14 **individual.**

