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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4153

03/04/2020 Authored by Gomez; Xiong, J.; Mariani; Dehn; Davnie and others
The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act
1.2 relating to immigration enforcement; restricting state and local officials from
1.3 cooperating with federal immigration enforcement efforts; proposing coding for
1.4 new law in Minnesota Statutes, chapter 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [1.60] STATE AND LOCAL OFFICIALS; SCOPE OF COOPERATION
1.7 WITH FEDERAL IMMIGRATION ENFORCEMENT EFFORTS.

1.8 Subdivision 1. Definitions. (a) As used in this section, the following terms have the
1.9 meanings given.

1.10 (b) "Civil immigration warrant" means a warrant for a violation of federal civil
1.11 immigration law not issued by a United States District Court judge. The term includes, but
1.12 is not limited to, a civil immigration warrant entered in the National Crime Information
1.13 Center database.

1.14 (c) "Federal immigration authority" means an officer, employee, or other person paid
1.15 by or acting as an agent of United States Immigration and Customs Enforcement or the
1.16 United States Department of Homeland Security, who is charged with immigration
1.17 enforcement.

1.18 (d) "Government agent" means an agent or employee of the state or a local unit of
1.19 government. The term includes, but is not limited to:

1.20 (1) an agent or employee of a police or security department of a public primary school,
1.21 a public secondary school, or a public institution of higher education;

2.1 (2) a teacher, professor, staff member, or employee at a public primary or secondary
2.2 school, or public college or university;

2.3 (3) an employee or agent of a publicly owned health care facility or a health care
2.4 professional under contract with a facility;

2.5 (4) a peace officer, as defined in section 626.84, subdivision 1;

2.6 (5) an agent or employee of a law enforcement agency; and

2.7 (6) an agent or employee of a court.

2.8 (e) "Immigration enforcement" includes all efforts to investigate, enforce, or assist in
2.9 the investigation or enforcement of federal civil immigration law, including but not limited
2.10 to violations of United States Code, title 8, sections 1253, 1324(c), 1325, and 1326.

2.11 (f) "Judicial warrant" means a warrant based upon probable cause issued by a federal
2.12 judge or federal magistrate judge that authorizes federal immigration authorities to take into
2.13 custody the person who is the subject of the warrant.

2.14 (g) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1,
2.15 and also includes a correctional facility as defined in section 241.021, subdivision 1, the
2.16 Departments of Corrections and Public Safety, and local corrections agencies.

2.17 Subd. 2. **Prohibited actions.** (a) A government agent shall not, for immigration
2.18 enforcement purposes:

2.19 (1) use public funds, facilities, property, equipment, or personnel to question, stop,
2.20 investigate, detain, detect, report, or arrest a person;

2.21 (2) respond to a hold, notification, or transfer request from federal immigration
2.22 authorities;

2.23 (3) respond to a request for nonpublicly available information about a person or the
2.24 person's family members or associates, including information about the person's date of
2.25 release from incarceration or hospitalization, schedule, or home, school, or work address;

2.26 (4) make an arrest based on a civil immigration warrant;

2.27 (5) give federal immigration authorities access to interview a person in the agent's
2.28 custody, or otherwise under the jurisdiction, care, or supervision of the agent;

2.29 (6) perform the functions of an immigration officer, whether pursuant to United States
2.30 Code, title 8, section 1357(g), or any other formal or informal law, regulation, or policy; or

3.1 (7) support or assist in civil immigration enforcement operations, including the
3.2 establishment of traffic perimeters.

3.3 (b) A law enforcement official shall not stop, arrest, search, or detain an individual to:

3.4 (1) investigate a suspected immigration violation; or

3.5 (2) inquire about immigration or citizenship status or place of birth of an arrestee or
3.6 victim of crime.

3.7 (c) A government agent or nongovernmental organization that receives funding from
3.8 the state or a local unit of government shall not:

3.9 (1) use governmental funds, facilities, property, equipment, or personnel to investigate,
3.10 enforce, or assist in the investigation or enforcement of any federal program requiring
3.11 registration of individuals on the basis of race, gender, sexual orientation, religion, or national
3.12 or ethnic origin;

3.13 (2) make a governmental database available to any person or entity for the purpose of
3.14 immigration enforcement or investigation or enforcement of any federal program requiring
3.15 registration of individuals on the basis of race, gender, sexual orientation, religion,
3.16 immigration status, or national or ethnic origin; or

3.17 (3) participate in any manner in the creation or maintenance of a registry described in
3.18 clause (1) or (2).

3.19 (d) A law enforcement agency shall not place a law enforcement officer under the
3.20 supervision of a federal agency or employ a law enforcement officer deputized as a special
3.21 federal officer or special federal deputy, except to the extent that such a law enforcement
3.22 officer remains subject to state law governing the officer's conduct and the policies of the
3.23 employing agency.

3.24 (e) A government agent shall not, at the request of federal immigration authorities,
3.25 without a judicial warrant:

3.26 (1) transfer an individual to federal immigration authorities for purposes of immigration
3.27 enforcement;

3.28 (2) detain an individual; or

3.29 (3) notify federal immigration authorities of release information.

3.30 (f) A government agent shall not take any adverse action against a religious organization
3.31 based solely upon the religious, social, or political affiliation or beliefs of the organization.

4.1 This paragraph does not apply to actions taken in response to duly enacted laws, rules, or
 4.2 executive orders.

4.3 (g) A government agent shall not discriminate or take adverse action against a person
 4.4 based on the person's immigration status or at the direction of an agent of the federal
 4.5 government, unless the action is specifically required by state law.

4.6 Subd. 3. **Policies required.** (a) By September 1, 2019, the commissioner of public safety,
 4.7 in consultation with appropriate stakeholders, shall adopt and disseminate model policies
 4.8 to ensure that all public schools, hospitals, and courthouses remain safe and accessible to
 4.9 all Minnesota residents, regardless of immigration status.

4.10 (b) By January 15, 2020, all public schools, hospitals, and courthouses shall establish
 4.11 and publish policies that limit immigration enforcement on their premises to the fullest
 4.12 extent possible consistent with federal and state law.

4.13 Subd. 4. **Exceptions.** Nothing in this section prevents a government agent from:

4.14 (1) responding to:

4.15 (i) a request from federal immigration authorities for information about a specific person's
 4.16 criminal record when allowed by state law; or

4.17 (ii) a lawful subpoena; or

4.18 (2) sending to, or receiving from, any local, state, or federal agency information regarding
 4.19 the citizenship or immigration status, lawful or unlawful, of an individual pursuant to United
 4.20 States Code, title 8, sections 1373 and 1644.

4.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.22 Sec. 2. **AGENCY REVIEW OF POLICIES.**

4.23 To ensure that eligible individuals are not deterred from seeking services or engaging
 4.24 with state agencies, all state agencies shall review their confidentiality policies. This review
 4.25 must identify any changes necessary to ensure that information collected from individuals:

4.26 (1) is limited to that which is necessary to perform agency duties; and (2) is not used or
 4.27 disclosed: (i) for inquiries into immigration status unless required by federal law or necessary
 4.28 to make a determination of eligibility; or (ii) for any other unauthorized purpose. Any
 4.29 necessary changes to those policies shall be made as expeditiously as possible, consistent
 4.30 with agency or department procedures.

4.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.1 Sec. 3. **EXISTING AGREEMENTS VOID.**

5.2 Any existing agreement that allows access to any information in a state or local database
5.3 and that conflicts with section 1 is void.

5.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.