
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1548 Session of
2023

INTRODUCED BY GIRAL, GUZMAN, BURGOS, CEPEDA-FREYTIZ, RABB,
INNAMORATO, HOHENSTEIN, KHAN, MADDEN, SANCHEZ, ISAACSON,
HILL-EVANS AND GREEN, JUNE 29, 2023

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 29, 2023

AN ACT

1 Providing for extent of cooperation between certain law
2 enforcement agencies and Federal immigration authorities;
3 prohibiting certain acts by law enforcement agencies and
4 postsecondary institutions; and providing for policies
5 limiting assistance with immigration enforcement.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Police and
10 Community Safety Act.

11 Section 2. Legislative findings.

12 The General Assembly finds as follows:

13 (1) Immigrants are valuable and essential members of
14 this Commonwealth.

15 (2) A relationship of trust between Pennsylvania's
16 immigrant community and State and local agencies is central
17 to the public safety of the people of this Commonwealth.

18 (3) This trust is threatened when State and local
19 agencies are entangled with Federal immigration enforcement,

1 with the result that immigrant community members fear
2 approaching police when they are victims of and witnesses to
3 crimes, seeking basic health services or attending school, to
4 the detriment of public safety and the well-being of all
5 residents of this Commonwealth.

6 (4) Entangling State and local agencies with Federal
7 immigration enforcement programs diverts already limited
8 resources and blurs the lines of accountability between
9 Federal, State and local governments.

10 (5) State and local participation in Federal immigration
11 enforcement programs also raises constitutional concerns,
12 including the prospect that Commonwealth residents could be
13 detained in violation of the Fourth Amendment to the
14 Constitution of the United States, targeted on the basis of
15 race or ethnicity in violation of the Equal Protection Clause
16 or denied access to education based on immigration status.

17 (6) This act seeks to ensure effective policing to
18 protect the safety, well-being and constitutional rights of
19 the residents of this Commonwealth and to direct the State's
20 limited resources to matters of greatest concern to State and
21 local governments.

22 Section 3. Definitions.

23 The following words and phrases when used in this act shall
24 have the meanings given to them in this section unless the
25 context clearly indicates otherwise:

26 "Civil immigration warrant." As follows:

27 (1) A warrant for a violation of Federal civil
28 immigration law.

29 (2) The term includes a civil immigration warrant
30 entered in the National Crime Information Center database.

1 "Federal immigration authority." An officer, employee or
2 person otherwise paid by or acting as an agent of the United
3 States Immigration and Customs Enforcement or the United States
4 Customs and Border Protection, or any division thereof, or other
5 officer, employee or person otherwise paid by or acting as an
6 agent of the United States Department of Homeland Security who
7 is charged with immigration enforcement.

8 "Hold request." A Federal Immigration and Customs
9 Enforcement request that a local law enforcement agency maintain
10 custody of an individual currently in the local law enforcement
11 agency's custody beyond the time the individual would otherwise
12 be eligible for release in order to facilitate transfer to
13 Immigration and Customs Enforcement.

14 "Immigration enforcement." As follows:

15 (1) An effort to investigate, enforce or assist in the
16 investigation or enforcement of a Federal civil immigration
17 law.

18 (2) The term includes an effort to investigate, enforce
19 or assist in the investigation or enforcement of a Federal
20 criminal immigration law that penalizes a person's presence
21 in, entry or reentry to or employment in, the United States,
22 including a violation of 8 U.S.C. § 1253 (relating to
23 penalties related to removal), 1324c (relating to penalties
24 for document fraud), 1325 (relating to improper entry by
25 alien) or 1326 (relating to reentry of removed aliens).

26 "Joint law enforcement task force." A law enforcement agency
27 collaborating, engaging or partnering with a Federal law
28 enforcement agency in investigating, interrogating, detaining,
29 detecting or arresting persons for violations of Federal or
30 State criminal offenses.

1 "Judicial warrant." A warrant based on probable cause and
2 issued by a Federal judge or a United States magistrate judge
3 who authorizes Federal immigration authorities to take into
4 custody the individual who is the subject of the warrant.

5 "Law enforcement agency." As follows:

6 (1) A State or local law enforcement agency.

7 (2) The term includes a police or security department of
8 a public school.

9 "Notification request." As follows:

10 (1) An Immigration and Customs Enforcement request that
11 a local law enforcement agency inform Immigration and Customs
12 Enforcement of the release date and time in advance of an
13 individual in the local law enforcement agency's custody.

14 (2) The term includes the Request for Voluntary
15 Notification (DHS Form I-247N).

16 "Public school." A public elementary and secondary school
17 under the jurisdiction of the Department of Education, a charter
18 school, a State-related university, a university within the
19 State System of Higher Education or a community college of this
20 Commonwealth.

21 "Transfer request." As follows:

22 (1) An Immigration and Customs Enforcement request that
23 a local law enforcement agency facilitate the transfer of an
24 individual in the local law enforcement agency's custody to
25 Immigration and Customs Enforcement.

26 (2) The term includes the Request for Voluntary Transfer
27 (DHS Form I-247X).

28 Section 4. Prohibited action by law enforcement agencies.

29 (a) Prohibitions.--Law enforcement agencies may not do any
30 of the following:

1 (1) Use agency or department money, facilities,
2 property, equipment or personnel to investigate, interrogate,
3 detain, detect or arrest persons for immigration enforcement
4 purposes, including any of the following:

5 (i) Inquiring into or collecting information about
6 an individual's immigration status, except as required to
7 comply with 18 U.S.C. § 922(d)(5) (relating to unlawful
8 acts).

9 (ii) Detaining an individual on the basis of a hold
10 request.

11 (iii) Responding to notification requests or
12 transfer requests.

13 (iv) Providing or responding to requests for
14 nonpublicly available personal information about an
15 individual, including information about the individual's
16 release date, home address or work address for
17 immigration enforcement purposes.

18 (v) Making arrests based on civil immigration
19 warrants.

20 (vi) Giving Federal immigration authorities access
21 to individuals in agency or department custody for
22 immigration enforcement purposes.

23 (vii) Performing the functions of an immigration
24 officer, whether under 8 U.S.C. § 1357(g) (relating to
25 powers of immigration officers and employees) or any
26 other law, regulation or policy, whether formal or
27 informal.

28 (2) Make agency or department databases, including
29 databases maintained for the agency or department by private
30 vendors, or the information in the databases other than

1 information regarding an individual's citizenship or
2 immigration status, available to any person for the purpose
3 of immigration enforcement. The following apply:

4 (i) An agreement in existence on the effective date
5 of this subparagraph that conflicts with the terms of
6 this paragraph is terminated.

7 (ii) A person or entity provided access to an agency
8 or department database shall certify in writing that the
9 database will not be used for the purposes prohibited by
10 this section.

11 (3) Place peace officers under the supervision of
12 Federal agencies or employ peace officers deputized as
13 special Federal officers or special Federal deputies, except
14 to the extent that those peace officers remain subject to the
15 laws of this Commonwealth, governing conduct of peace
16 officers and the policies of the employing agency.

17 (4) Use Federal immigration authorities as interpreters
18 for law enforcement matters relating to individuals in agency
19 or department custody.

20 (b) Construction.--Nothing in this section shall be
21 construed to prevent a law enforcement agency from doing any of
22 the following:

23 (1) Responding to a request from Federal immigration
24 authorities for information about a specific person's
25 criminal history, including previous criminal arrests,
26 convictions and similar criminal history information if
27 otherwise permitted by State law.

28 (2) Participating in a joint law enforcement task force
29 so long as the purpose of the joint law enforcement task
30 force is not immigration enforcement.

1 (c) Reports relating to joint law enforcement task forces.--

2 (1) If a law enforcement agency chooses to participate
3 in a joint law enforcement task force, the law enforcement
4 agency shall submit a report every six months to the Office
5 of Attorney General, as specified by the Attorney General.

6 (2) The reporting agency or the Attorney General may
7 determine that a report, in whole or in part, is not a public
8 record for the purposes of the act of February 14, 2008

9 (P.L.6, No.3), known as the Right-to-Know Law, to prevent the
10 disclosure of sensitive information, including an ongoing
11 operation or a confidential informant.

12 (d) Reports by Attorney General.--

13 (1) The Attorney General, within 14 months after the
14 effective date of this subsection and twice during each year
15 thereafter, shall report on the type and frequency of joint
16 law enforcement task forces.

17 (2) Each report under this subsection shall include, for
18 the reporting period, assessments on compliance with
19 subsection (b) (2):

20 (i) A list of all law enforcement agencies that
21 participate in joint law enforcement task forces.

22 (ii) A list of joint law enforcement task forces
23 operating in this Commonwealth and their purposes.

24 (iii) The number of arrests made associated with
25 joint law enforcement task forces for the violation of
26 Federal or State crimes.

27 (iv) The number of arrests made associated with
28 joint law enforcement task forces for the purpose of
29 immigration enforcement by all joint law enforcement task
30 force participants, including Federal law enforcement

1 agencies.

2 (3) The Attorney General shall post each report required
3 by this subsection on the Attorney General's publicly
4 accessible Internet website.

5 (e) Judicial warrant required for certain acts.--

6 Notwithstanding any other law, a law enforcement agency may not
7 transfer an individual to Federal immigration authorities for
8 purposes of immigration enforcement or detain an individual at
9 the request of Federal immigration authorities for purposes of
10 immigration enforcement absent a judicial warrant.

11 (f) Construction.--Nothing in this section shall be
12 construed to prohibit or restrict a government entity or
13 official from sending to or receiving from Federal immigration
14 authorities information regarding the citizenship or immigration
15 status, lawful or unlawful, of an individual under 8 U.S.C. §§
16 1373 (relating to communication between government agencies and
17 the Immigration and Naturalization Service) and 1644 (relating
18 to communication between State and local government agencies and
19 Immigration and Naturalization Service).

20 Section 5. Policies limiting assistance with immigration
21 enforcement.

22 (a) Duty of Attorney General.--Within three months after the
23 effective date of this subsection, the Attorney General shall
24 publish model policies limiting assistance with immigration
25 enforcement to the fullest extent possible consistent with
26 Federal and State law at public schools, health facilities
27 operated by the State or a political subdivision, courthouses
28 and shelters. The public schools, health facilities, courthouses
29 and shelters must remain safe and accessible to all residents of
30 this Commonwealth, regardless of immigration status.

1 (b) Adoption of policies.--

2 (1) Public schools and health facilities operated by the
3 State or a political subdivision and courthouses shall adopt
4 one of the model policies published in accordance with
5 subsection (a) or an equivalent policy.

6 (2) All other organizations and entities that provide
7 services related to physical or mental health and wellness,
8 education or access to justice are encouraged to adopt the
9 model policy.

10 Section 6. Model policies for law enforcement.

11 (a) Duty of Attorney General.--The Attorney General, within
12 three months after the effective date of this subsection, shall
13 publish model policies that provide guidance and training
14 recommendations to law enforcement agencies. The model policies
15 must prioritize guidance and training recommendations, which:

16 (1) Foster trust between the community and law
17 enforcement agencies.

18 (2) Limit, to the fullest extent practicable and
19 consistent with any applicable law, the engagement of law
20 enforcement agencies with Federal immigration authorities for
21 the purpose of immigration enforcement.

22 (b) Adoption of policies.--Each law enforcement agency
23 shall:

24 (1) adopt policies consistent with the model policies of
25 the Attorney General published in accordance with subsection
26 (a); or

27 (2) notify the Attorney General that the law enforcement
28 agency is not adopting policies consistent with the model
29 policies of the Attorney General.

30 (c) Contents of notification.--The notification described in

1 subsection (b) (2) must include, without limitation:

2 (1) The reason that the law enforcement agency is not
3 adopting policies consistent with the model policies of the
4 Attorney General.

5 (2) A copy of the policies of the law enforcement
6 agency.

7 Section 7. Release of inmates.

8 (a) State correctional institutions.--

9 (1) The Pennsylvania Parole Board and the Department of
10 Corrections shall notify the Federal Bureau of Investigation
11 of the scheduled release of all persons confined to State
12 correctional institutions serving a term for the conviction
13 of a crime of violence as defined in 42 Pa.C.S. § 9714(g)
14 (relating to sentences for second and subsequent offenses).

15 (2) The notification shall be made at least 60 days
16 prior to the scheduled release date or as soon as practicable
17 if notification cannot be provided at least 60 days prior to
18 release.

19 (3) The only nonpublicly available personal information
20 that the notification may include is the name of the person
21 who is scheduled to be released and the scheduled date of
22 release.

23 (b) County correctional institutions.--

24 (1) Whenever a person confined to a county correctional
25 institution is serving a term for the conviction of an
26 offense and has a prior conviction for a crime of violence as
27 defined in 42 Pa.C.S. § 9714(g) or has a prior felony
28 conviction in another jurisdiction for an offense that has
29 all the elements of a crime of violence, the chief
30 administrator of the county correctional institution may

1 notify the Federal Bureau of Investigation of the scheduled
2 release of the person, provided that no local law or policy
3 prohibits the sharing of the information with either the
4 Federal Bureau of Investigation or Federal immigration
5 authorities.

6 (2) The notification may be made up to 60 days prior to
7 the scheduled release date.

8 (3) The only nonpublicly available personal information
9 that the notification may include is the name of the person
10 who is scheduled to be released and the scheduled date of
11 release.

12 Section 8. Prohibited action by postsecondary institutions.

13 (a) Prohibitions.--A public or private postsecondary
14 institution in this Commonwealth, whether acting by or through
15 its governing body or officers, may not enact, adopt, implement
16 or enforce a policy that relates to immigration enforcement or
17 that prohibits an undocumented immigrant on the premises of the
18 institution.

19 (b) Penalty.--A private postsecondary institution that
20 violates subsection (a) shall be subject to the withholding of
21 State funding or State-administered Federal funding. The
22 withholding of State funding shall include money provided to the
23 private postsecondary institution directly as well as money for
24 scholarships, loans and grants for students of the private
25 postsecondary institution.

26 Section 9. Effective date.

27 This act shall take effect in 60 days.