

2019 -- H 5518

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND VALUES
ACT--ENHANCED COMMUNITY PROTECTION IN IMMIGRATION ENFORCEMENT
ACTION

Introduced By: Representative Jean Phillippe Barros

Date Introduced: February 25, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. The general assembly makes the following findings and declarations:

2 (1) Immigrants are valuable and essential members of the Rhode Island community.

3 (2) A relationship of trust between Rhode Island's immigrant community and state and
4 local agencies is central to the public safety of the people of Rhode Island.

5 (3) This trust is threatened when state and local agencies are entangled with federal
6 immigration enforcement, with the result that immigrant community members fear approaching
7 police when they are victims of, and witnesses to, crimes, seeking basic health services, or
8 attending school, all to the detriment of public safety and well-being of all Rhode Islanders.

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

14 (5) Entangling state and local agencies with federal enforcement programs diverts already
15 limited resources and blurs the lines of accountability and roles of local, state and federal
16 governments.

17 (6) This act seeks to ensure effective policing, to protect the safety, well-being and
18 constitutional rights of the people of Rhode Island, and to direct the state's limited resources to

1 matters of general concern to state and local governments.

2 SECTION 2. Title 42 of the General Laws entitled "STATE AFFAIRS AND
3 GOVERNMENT" is hereby amended by adding thereto the following chapter:

4 CHAPTER 160

5 RHODE ISLAND VALUES ACT: ENHANCED COMMUNITY PROTECTION IN

6 IMMIGRATION ENFORCEMENT ACTION

7 **42-160-1. Definitions.**

8 The following terms have the following meanings:

9 (1) "Civil immigration warrant" means any warrant for a violation of federal civil
10 immigration law, and includes civil immigration warrants entered in the National Crime
11 Information Database.

12 (2) "Courts" mean any state or local court.

13 (3) "Federal immigration authority" means any officer, employee, or person otherwise
14 paid by or acting as an agent of United States Immigration and Customs Enforcement or United
15 States Custom and Border Protection or any division or designee thereof, or any other officer,
16 employee, or person otherwise paid by or acting as an agent of the United States Department of
17 Homeland Security who is charged with immigration enforcement.

18 (4) "Health facilities" means any medical treatment facility, including hospitals, health
19 care clinics, or urgent care facilities, doctors' offices, substance abuse treatment facilities or any
20 facility that provides medical or mental health care.

21 (5) "Immigration enforcement" means and includes any and all efforts to investigate,
22 enforce, or assist in the investigation or enforcement of any federal civil immigration law and any
23 federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or
24 employment in, the United States including, but not limited to, violations of Sections 1259,
25 1324c, 1325, or 1326 of Title 8 of the United States Code (8 U.S.C. §§ 1259, 1324, 1325 and
26 1326).

27 (6) "Judicial warrant" means a warrant based on probable cause and issued by a federal
28 judge or a federal magistrate judge that authorizes federal immigration authorities to take into
29 custody the person who is the subject of the warrant.

30 (7) "Places of worship" means any facility rented, owned or leased where religious
31 services or ceremonies take place. This would include, but not be limited to, such events as
32 marriages, funerals, and baptisms.

33 (8) "Schools" means any public, private or charter school, including independent, district
34 charter schools and mayoral academies, pre-schools and other early learning programs, known

1 and licensed daycares, primary or secondary schools and institutions of higher education, as well
2 as scholastic or education-related activities or events.

3 **42-160-2. Sensitive locations.**

4 (a) Rhode Island schools, places of worship, health facilities and courts shall not grant
5 access to their premises, for any federal immigration authority to investigate, detain, apprehend,
6 or arrest any individuals for potential violations of federal immigration laws, unless the federal
7 immigration authority presents a judicial warrant that clearly identifies the individual which the
8 federal authority seeks to locate, serve, or apprehend.

9 (b) Only designated or authorized personnel may review the presented judicial warrant
10 and consent to the federal immigration authority's access to the premises.

11 **42-160-3. Limited exception.**

12 (a) The prohibited right to access to sensitive locations established by this chapter shall
13 not apply when the federal immigration authority is acting in response to a specific act of
14 terrorism, national security threat or when there is the threat of imminent danger of violence to
15 the United States.

16 (b) If this exception is sought to be involved, the federal immigration authority shall
17 provide prior notice of anticipated action to the Rhode Island attorney general, as the chief law
18 enforcement officer for the state.

19 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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ACTION

1 This act would enhance community protection during federal immigration enforcement
2 and investigatory actions by identifying certain community locations as "sensitive locations" and
3 would require that those locations receive a judicial warrant before they grant access to
4 enforcement agents. It would also provide for exemption to these procedures where there are
5 certain exigent circumstances.

6 This act would take effect upon passage.

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