

SENATE BILL 1310

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 7,
relative to local government cooperation with
federal officials regarding immigration status of
persons in this state.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 7, is amended by adding the following
as a new chapter 68:

Section 7-68-101.

(a) The general assembly hereby finds, determines and declares that:

(1) Sanctuary policies are local government ordinances or policies that
prohibit local officials, including peace officers, from communicating or
cooperating with federal officials with regard to the immigration status of any
person within the state;

(2) The matters contained in this act have important statewide
ramifications for compliance with and enforcement of federal immigration laws;
and

(3) Sanctuary policies allow illegal immigrants to reside within Tennessee
and to undermine federal immigration law.

(b) The general assembly therefore declares that the matters addressed in this
chapter are matters of statewide concern.

Section 7-68-102. As used in this chapter, unless the context otherwise requires, "local
government" means a town, city, county with a metropolitan form of government, or county.

Section 7-68-103.

(a) No local government, whether acting through its governing body or by an initiative, referendum, or any other process, shall enact any ordinance or policy that limits or prohibits a peace officer, local official, or local government employee from communicating or cooperating with federal officials with regard to the immigration status of any person within this state.

(b)

(1)

(A) A law enforcement officer who has probable cause that an arrestee for a criminal offense is not legally present in the United States shall report such arrestee to the United States immigration and customs enforcement office if the arrestee is not held at a detention facility. If the arrestee is held at a detention facility and the county sheriff reasonably believes that the arrestee is not legally present in the United States, the sheriff shall report such arrestee to the federal immigration and customs enforcement office.

(B) This subsection (b) shall not apply to arrestees who are arrested for a suspected act of domestic assault under § 39-13-111, until such time as the arrestee is convicted of a domestic violence offense.

(2) The governing body of each local government shall provide notice in writing to law enforcement officers of the duty to cooperate with state and federal officials with regards to enforcement of state and federal laws regarding immigration and comply with subdivision (b)(1). Each governing body shall provide written confirmation to the general assembly that it has provided such notice and shall annually, on or before March 1 of each year, report to the speaker of the senate and the speaker of the house of representatives of the

general assembly the number of reports made to the United States immigration and customs enforcement office pursuant to this chapter.

(3) The general assembly finds and declares that the state attorney general and reporter and all appropriate state and local law enforcement agencies should vigorously pursue all federal moneys to which the state may be entitled for the reimbursement of moneys spent to enforce federal immigration laws.

(4) A local government that violates subsection (a) or subdivision (b)(2) shall not be eligible to receive local government financial assistance through grants administered by the department of economic and community development until such time as the ordinance or policy is no longer in effect.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.