

HOUSE BILL No. 4720

June 8, 2017, Introduced by Reps. Hammoud, LaGrand, Love, Neeley, Geiss, Chang, Gay-Dagnogo, Peterson, Rabhi, Cochran, Sabo, Wittenberg, Byrd, Moss, Sowerby, Green, Phelps and Jones and referred to the Committee on Law and Justice.

A bill to create the law enforcement information sharing act; to prohibit the use of state and local law enforcement resources for the enforcement of federal immigration laws; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide for certain reporting requirements.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "law
2 enforcement information sharing act".

3 Sec. 2. As used in this act:

4 (a) "Civil immigration warrant" means any warrant for a
5 violation of federal civil immigration law, and includes civil
6 immigration warrants entered in the National Crime Information
7 Center database.

8 (b) "Federal immigration authority" means any officer,

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

7 (c) "Hold request", "notification request", and "transfer
8 request" include written requests issued by United States
9 Immigration and Customs Enforcement or United States Customs and
10 Border Protection as well as any other federal immigration
11 authorities to a law enforcement agency to provide notice of
12 release or transfer, or to maintain custody of an individual based
13 on an alleged violation of a civil immigration law.

14 (d) "Immigration enforcement" includes any effort to
15 investigate, enforce, or assist in the investigation or enforcement
16 of any federal civil immigration law, and also includes any effort
17 to investigate, enforce, or assist in the investigation or
18 enforcement of any federal criminal immigration law that penalizes
19 a person's presence in, entry, or reentry to, or employment in, the
20 United States, including, but not limited to, a violation of 8 USC
21 1253, 8 USC 1324c, or 8 USC 1325 to 1326.

22 (e) "Joint law enforcement task force" means a law enforcement
23 agency collaborating, engaging, or partnering with a federal law
24 enforcement agency in investigating, interrogating, detaining,
25 detecting, or arresting individuals for a criminal violation of
26 federal or state law.

27 (f) "Judicial warrant" means a warrant based on probable cause

1 and issued by a federal judge or a federal magistrate judge that
2 authorizes federal immigration authorities to take into custody the
3 person who is the subject of the warrant.

4 (g) "Law enforcement agency" means a state or local law
5 enforcement agency, including a school, community college, public
6 university, or private university public safety department or
7 security force.

8 Sec. 3. (1) A law enforcement agency in this state shall not
9 do any of the following:

10 (a) Use law enforcement agency funds, facilities, property,
11 equipment, or personnel to investigate, interrogate, detain,
12 detect, or arrest individuals for immigration enforcement purposes,
13 including, but not limited to, doing any of the following:

14 (i) Inquiring into or collecting information about an
15 individual's immigration status, except as required to comply with
16 18 USC 922.

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

18 (iii) Responding to notification or transfer requests unless
19 the request is supported by a judicial warrant.

20 (iv) Providing or responding to requests for nonpublic
21 personal information about an individual, including, but not
22 limited to, information about the individual's release date, home
23 address, or work address for immigration enforcement purposes.

24 (v) Making arrests based on civil immigration warrants.

25 (vi) Except as provided in this subparagraph, permitting
26 federal immigration authorities access to interview individuals in
27 the custody of a law enforcement agency. A law enforcement agency

1 shall not permit federal immigration authorities access to an
2 individual in the custody of the law enforcement agency if the
3 access is to interview the individual for immigration enforcement
4 purposes. A law enforcement agency shall permit federal immigration
5 authorities access to an individual in law enforcement custody for
6 investigative interviews or other investigative purposes if the
7 access is pursuant to a judicial warrant or for pursuing a
8 legitimate law enforcement purpose that is unrelated to the
9 enforcement of a civil immigration law. If a law enforcement agency
10 grants federal immigration authorities access to an individual in
11 law enforcement custody under this subparagraph, that individual
12 must be notified that he or she is speaking with federal
13 immigration authorities and the federal immigration authorities
14 must be required to wear duty jackets and make their badges visible
15 at all times.

16 (vii) Assisting federal immigration authorities in the
17 activities described in 8 USC 1357.

18 (viii) Performing the functions of an immigration officer,
19 under 8 USC 1357 or any other law, regulation, or policy, whether
20 formal or informal.

21 (b) Make a law enforcement agency database, including a
22 database maintained for the agency by private vendors, available to
23 any individual or entity for the purpose of immigration
24 enforcement. An individual or entity provided access to a law
25 enforcement agency database shall certify in writing that the
26 database will not be used for the purposes prohibited by this
27 section. Any agreement between a law enforcement agency and an

1 individual or entity regarding access to a law enforcement database
2 that is in existence on the effective date of this act and that
3 conflicts with this act is terminated on the effective date of this
4 act.

5 (c) Place law enforcement officers under the supervision of
6 federal agencies or employ law enforcement officers deputized as
7 special federal officers or special federal deputies except to the
8 extent those law enforcement officers remain subject to Michigan
9 law governing conduct of the law enforcement officers and the
10 policies of the employing law enforcement agency.

11 (d) Use federal immigration authorities as interpreters for
12 law enforcement matters relating to individuals in the custody of a
13 law enforcement agency.

14 (2) Nothing in this section prevents a law enforcement agency
15 from doing any of the following:

16 (a) Responding to a request from federal immigration
17 authorities for information about a specific individual's criminal
18 history, including previous arrests and convictions.

19 (b) Participating in a joint law enforcement task force, so
20 long as the purpose of the joint law enforcement task force is not
21 immigration enforcement.

22 (3) If a law enforcement agency chooses to participate in a
23 joint law enforcement task force, it shall submit a report every 6
24 months to the department of the attorney general regarding its
25 participation in the joint law enforcement task force. A report
26 submitted to the department of the attorney general under this
27 subsection is not a public record and is not subject to the freedom

1 of information act, 1976 PA 442, MCL 15.231 to 15.246.

2 (4) Not more than 14 months after the effective date of this
3 act, and twice annually thereafter, the department of the attorney
4 general shall report on the types and frequency of joint law
5 enforcement task forces to the legislature. The report required
6 under this subsection must include, for the reporting period, a
7 list of all law enforcement agencies that participate in joint law
8 enforcement task forces, a list of joint law enforcement task
9 forces operating in this state and their purposes, the number of
10 arrests made associated with joint law enforcement task forces for
11 the criminal violation of federal or state law, and the number of
12 arrests made associated with joint law enforcement task forces for
13 the purpose of immigration enforcement by all task force
14 participants, including federal law enforcement agencies. The
15 department of the attorney general shall post the reports required
16 under this subsection on the department of the attorney general's
17 website.

18 (5) Notwithstanding any other provision of law, a law
19 enforcement agency shall not transfer an individual to federal
20 immigration authorities for purposes of immigration enforcement or
21 detain an individual at the request of federal immigration
22 authorities for purposes of immigration enforcement absent a
23 judicial warrant.

24 (6) This section does not prohibit or restrict any government
25 entity or official from sending to, or receiving from, federal
26 immigration authorities information regarding the citizenship or
27 immigration status, lawful or unlawful, of an individual under 8

1 USC 1373 and 8 USC 1644.

2 Sec. 4. Not more than 3 months after the effective date of
3 this act, the department of the attorney general shall publish
4 model policies for law enforcement agencies in this state to
5 provide guidelines to law enforcement agencies on how to limit
6 assistance with immigration enforcement.

7 Enacting section 1. This act takes effect 90 days after the
8 date it is enacted into law.