

**SUBSTITUTE FOR
HOUSE BILL NO. 4339**

A bill to prohibit counties from enacting or enforcing any law, ordinance, policy, or rule that limits peace officers or local officials, officers, or employees from communicating or cooperating with appropriate federal officials concerning the immigration status of individuals; to prescribe the powers and duties of certain state and local officials, officers, and employees; and to prescribe penalties and remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "county law enforcement
2 protection act".

3 Sec. 3. As used in this act, "county" includes any of the
4 following:

5 (a) The county board of commissioners of a county.

1 (b) A board, department, commission, council, agency, or body
2 that is created or primarily funded by a county.

3 (c) An officer or official of a county.

4 Sec. 5. A county shall not enact or enforce any law,
5 ordinance, policy, or rule that limits or prohibits a peace officer
6 or local official, officer, or employee from communicating or
7 cooperating with appropriate federal officials concerning the
8 immigration status of an individual in this state. Any law,
9 ordinance, policy, or rule that violates this act is void and
10 unenforceable.

11 Sec. 7. Not later than 60 days after the effective date of
12 this act, if a county has an existing law, ordinance, policy, or
13 rule that violates this act, the county shall bring that law,
14 ordinance, policy, or rule into compliance with this act.

15 Sec. 9. Beginning 61 days after the effective date of this
16 act, if a county has, enacts, or enforces a law, ordinance, policy,
17 or rule that violates this act, an individual who is a resident of
18 that county may do either of the following:

19 (a) Bring an action to enforce this act in any circuit court
20 in the judicial district in which that county is located.

21 (b) File a complaint with the attorney general on a form
22 prescribed by the attorney general.

23 Sec. 11. (1) The attorney general may receive complaints
24 regarding violations of this act and investigate those complaints.
25 A county shall cooperate with any investigation conducted by the
26 department of the attorney general concerning a violation of this
27 act.

28 (2) Beginning 61 days after the effective date of this act, if
29 a county enacts or enforces a law, ordinance, policy, or rule that

1 violates this act, the attorney general shall bring an action to
2 enforce this act in the circuit court in the judicial district in
3 which that county is located.

4 Sec. 13. (1) If an individual brings an action as described in
5 section 9, or if the attorney general brings an action as described
6 in section 11, and the court determines that the law, ordinance,
7 policy, or rule of the county violates this act, the court shall do
8 all of the following:

9 (a) Issue an injunction restraining the county from enforcing
10 the law, ordinance, policy, or rule.

11 (b) Order the county to amend or repeal the law, ordinance,
12 policy, or rule.

13 (c) Award actual damages, costs, and reasonable attorney fees
14 to the party challenging the law, ordinance, policy, or rule.

15 (2) If an individual brings an action as described in section
16 9, or if the attorney general brings an action as described in
17 section 11, and the court determines that the law, ordinance,
18 policy, or rule of the county does not violate this act, the court
19 shall award costs and reasonable attorney fees to the prevailing
20 county.