A bill to provide for the determination of the immigration status of persons present in this state under certain circumstances; to allow for the enforcement of immigration laws in this state and the detaining and transportation of persons unlawfully present in the United States; to allow for certain civil actions; and to provide for certain civil fines and criminal penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. This act shall be known and may be cited as the "support our law enforcement and safe neighborhoods act".

Sec. 2. The terms of this act regarding immigration shall be construed to have the meanings given to them under federal immigration law, and the provisions of this act shall be
implemented in a manner consistent with federal laws regulating immigration while protecting the civil rights of all persons and respecting the privileges and immunities of United States citizens.

Sec. 3. (1) Except where exempted by federal law, every state agency and political subdivision of this state shall verify the lawful presence in the United States of any natural person 18 years of age or older who has applied for federal public benefits, state public benefits, or local public benefits, as defined in section 411 of the personal responsibility and work opportunity reconciliation act of 1996, 8 USC 1621, that are administered by the state agency or political subdivision of this state.

(2) Verification of lawful presence under this section is not required for any of the following:

(a) Assistance for health care items and services that are necessary for the treatment of an emergency medical condition of the alien involved and are not related to an organ transplant procedure.

(b) Short-term, noncash, in-kind emergency disaster relief.

(c) Public health assistance for immunizations with respect to diseases and for testing and treatment of symptoms of communicable diseases, whether or not such symptoms are caused by a communicable disease.

(d) Programs, services, or assistance such as soup kitchens, crisis counseling and intervention, and short-term shelter specified by the attorney general of the United States, in the sole and unreviewable discretion of the attorney general of the United States after consultation with appropriate federal agencies and
departments, which meet all of the following criteria:

(i) Deliver in-kind services at the community level, including through public or private nonprofit agencies.

(ii) Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the income or resources of the individual recipient.

(iii) Are necessary for the protection of life or safety.

(3) Verification of lawful presence in the United States by the state agency or political subdivision of this state required to make that verification shall require that the applicant execute an affidavit under penalty of perjury that the applicant is 1 of the following:

(a) A United States citizen.

(b) A qualified alien under the immigration and nationality act, 8 USC 1101 to 1537, and is lawfully present in the United States.

(4) For any applicant who has executed the affidavit described in subsection (3)(b), eligibility for benefits shall be made through the systematic alien verification of entitlement program operated by the United States department of homeland security or a successor program designated by the United States department of homeland security. Until the eligibility verification is made, the affidavit may be presumed to be proof of lawful presence for the purposes of this section.

(5) Any person who knowingly and willfully makes a false, fictitious, or fraudulent statement of representation in an affidavit executed under subsection (3) is guilty of a misdemeanor
punishable by imprisonment for not more than 91 days or a fine of not more than $500.00, or both. If the affidavit constitutes a false claim of United States citizenship in violation of 18 USC 911, a complaint shall be filed by the agency requiring the affidavit with the United States attorney for the federal judicial district in which the agency is located.

(6) Agencies or political subdivisions of this state may adopt variations to the requirements of the provisions of this section that demonstrably improve the efficiency or reduce delay in the verification process or to provide for adjudication of unique individual circumstances where the verification procedures in this section would impose unusual hardship on a legal resident of this state.

(7) An agency or political subdivision of this state shall not provide any federal benefit, state benefit, or local benefit, as defined in section 411 of the personal responsibility and work opportunity reconciliation act of 1996, 8 USC 1621, in violation of this section.

Sec. 4. (1) An official or agency of this state or a political subdivision of this state shall not adopt a policy that limits or restricts enforcement of federal immigration laws to less than the full extent permitted by federal law.

(2) When a law enforcement officer has lawfully stopped, detained, or arrested, for a violation of a law of this state or any political subdivision of this state, a person who is or should reasonably be suspected of being unlawfully present in the United States, a complete, full, and appropriate attempt shall be made to
verify the person's immigration status with the federal government. The person's immigration status shall be verified through a query to the appropriate entity of the federal government under 8 USC 1373(c). For the purposes of this subsection, a person is presumed not to be an alien who is unlawfully present in the United States if the person provides to the law enforcement officer or agency any of the following:

(a) A valid Michigan operator's or chauffeur's license.
(b) A valid Michigan state personal identification card.
(c) Any other valid United States, state, or local government issued identification document if the issuing agency requires proof of legal presence in the United States before issuance.

(3) If an alien who is unlawfully present in the United States is convicted of a violation of state law or local ordinance upon discharge from imprisonment or assessment of any fine that is imposed, the alien shall be transferred immediately to the custody of the United States immigration and customs enforcement or the United States customs and border protection.

(4) A law enforcement agency may securely transport an alien who is unlawfully present in the United States and who is in the agency's custody to a federal facility in this state or any other point of transfer into federal custody that is outside the jurisdiction of the law enforcement agency. If the point of transfer is located outside of this state, the arrested person first shall be served with a copy of a detainer request issued by a federal immigration officer or a record of judicial authorization for the transfer.
A law enforcement officer, with or without a warrant, may arrest a person if the officer has probable cause to believe that the person has committed a public offense that makes the person removable from the United States.

Except as provided in federal law, officials or agencies of this state or any political subdivision of this state shall not be prohibited or in any way restricted from sending, receiving, or maintaining information relating to the immigration status of any individual or exchanging that information with any other federal, state, or local governmental entity for the following official purposes:

(a) The investigation, adjudication, or prosecution of a criminal or civil offense.

(b) Determining eligibility for any public benefit, service, or license provided by the federal government, any state government, or any political subdivision of a state government.

(c) Verifying a claim of residence or domicile if determination of residence or domicile is required under the laws of this state or a judicial order issued pursuant to a civil or criminal proceeding in this state.

(d) Confirming the identity of any person who is detained.

(e) If the person is an alien, determining whether the person is in compliance with the federal registration laws.

A person may bring an action in circuit court to challenge any official or agency of this state or any political subdivision of this state that adopts or implements a policy limiting or restricting enforcement of federal immigration laws to less than
the full extent permitted by federal law. If there is a judicial finding that an official or agency of this state or any political subdivision of this state has violated this section, the court may order any of the following:

(a) That the person who brought the action recover court costs and attorney fees.

(b) That the official or agency of this state or any political subdivision of this state pay a civil fine of not less than $1,000.00 and not more than $5,000.00 for each day beyond the seventh day that the policy remains in effect after service of notice on the agency of the filing of an action under this subsection.

(8) A law enforcement officer shall be indemnified by the law enforcement officer's agency against reasonable costs and expenses, including attorney fees, incurred in connection with an action or proceeding under this section to which the officer may become a party by reason of being or having been a member of the law enforcement agency, except in relation to matters in which the officer is adjudged to have acted in bad faith.

(9) This section shall be implemented in a manner consistent with federal laws regulating immigration, protecting the civil rights of all persons and respecting the privileges and immunities of United States citizens.

Sec. 5. (1) Except as provided in subsection (5), and in addition to any violation of federal law, a person who willfully fails to apply for alien registration or to carry an alien registration document in violation of 8 USC 1304(e) or 1306(a) is
guilty of a misdemeanor punishable by imprisonment for not more than 91 days or a fine of not more than $500.00, or both. In addition to any other penalty prescribed by law, the court shall order the offender to pay jail costs and an additional civil fine of $500.00 for a first violation and $1,000.00 for a second or subsequent offense.

(2) In enforcing this section, the final determination of an alien's immigration status shall be made by 1 of the following:

   (a) A law enforcement officer who is authorized by the federal government to verify or ascertain an alien's immigration status.

   (b) A law enforcement officer or agency communicating with the United States immigration and customs enforcement or the United States customs and border protection.

(3) This section does not apply to a person who maintains authorization from the federal government to remain in the United States.

(4) Any record that relates to the immigration status of a person is admissible in any court without further foundation or testimony from a custodian of records if the record is certified as authentic by the government agency that is responsible for maintaining the record.

(5) A violation of this section is a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $1,000.00, or both, if the person violates this section while in possession of a illegal controlled substance, a deadly weapon, or property used for the purpose of committing an act of terrorism, as that term is defined in section 543b of the Michigan penal code,
1931 PA 328, MCL 750.543b.