

HOUSE BILL NO. 4090

January 24, 2019, Introduced by Reps. LaFave, Hornberger, Green, Hall and Markkanen and referred to the Committee on Military, Veterans and Homeland Security.

A bill to prohibit counties from enacting or enforcing any law, ordinance, policy, or rule that limits 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 officers, officials, and employees; and to prescribe penalties and remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. This act shall be known and may be cited as the
2 "county sanctuary policy prohibition act".

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

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

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

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

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

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

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

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

24 (b) File a complaint with the attorney general on a form
25 prescribed by the attorney general.

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

1 act.

2 (2) Beginning 61 days after the effective date of this act, if
3 a county enacts or enforces a law, ordinance, policy, or rule that
4 violates this act, the attorney general shall bring an action to
5 enforce this act in the circuit court in the judicial district in
6 which that county is located.

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

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

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

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