

# HOUSE BILL NO. 4724

June 13, 2019, Introduced by Reps. Hammoud, Guerra, Rabhi, Bolden, Sowerby, Manoogian, Pagan, Gay-Dagnogo, LaGrand, Anthony, Peterson, Sabo and Robinson and referred to the Committee on Military, Veterans and Homeland Security.

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:



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

5 (b) "Federal immigration authority" means any officer,  
6 employee, or person otherwise paid by or acting as an agent of  
7 United States Immigration and Customs Enforcement or United States  
8 Customs and Border Protection, or any division thereof, or any  
9 other officer, employee, or person otherwise paid by or acting as  
10 an agent of the United States Department of Homeland Security who  
11 is charged with immigration enforcement.

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

19 (d) "Immigration enforcement" includes any effort to  
20 investigate, enforce, or assist in the investigation or enforcement  
21 of any federal civil immigration law, and also includes any effort  
22 to investigate, enforce, or assist in the investigation or  
23 enforcement of any federal criminal immigration law that penalizes  
24 a person's presence in, entry, or reentry to, or employment in, the  
25 United States, including, but not limited to, a violation of 8 USC  
26 1253, 8 USC 1324c, or 8 USC 1325 to 1326.

27 (e) "Joint law enforcement task force" means a law enforcement  
28 agency collaborating, engaging, or partnering with a federal law  
29 enforcement agency in investigating, interrogating, detaining,



1 detecting, or arresting individuals for a criminal violation of  
2 federal or state law.

3 (f) "Judicial warrant" means a warrant based on probable cause  
4 and issued by a federal judge or a federal magistrate judge that  
5 authorizes federal immigration authorities to take into custody the  
6 person who is the subject of the warrant.

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

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

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

17 (i) Inquiring into or collecting information about an  
18 individual's immigration status, except as required to comply with  
19 18 USC 922.

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

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

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

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

28 (vi) Except as provided in this subparagraph, permitting  
29 federal immigration authorities access to interview individuals in



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

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

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

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



1 that is in existence on the effective date of this act and that  
2 conflicts with this act is terminated on the effective date of this  
3 act.

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

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

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

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

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

21 (3) If a law enforcement agency chooses to participate in a  
22 joint law enforcement task force, it shall submit a report every 6  
23 months to the department of the attorney general regarding its  
24 participation in the joint law enforcement task force. A report  
25 submitted to the department of the attorney general under this  
26 subsection is not a public record and is not subject to the freedom  
27 of information act, 1976 PA 442, MCL 15.231 to 15.246.

28 (4) Not more than 14 months after the effective date of this  
29 act, and twice annually thereafter, the department of the attorney



1 general shall report on the types and frequency of joint law  
2 enforcement task forces to the legislature. The report required  
3 under this subsection must include, for the reporting period, a  
4 list of all law enforcement agencies that participate in joint law  
5 enforcement task forces, a list of joint law enforcement task  
6 forces operating in this state and their purposes, the number of  
7 arrests made associated with joint law enforcement task forces for  
8 the criminal violation of federal or state law, and the number of  
9 arrests made associated with joint law enforcement task forces for  
10 the purpose of immigration enforcement by all task force  
11 participants, including federal law enforcement agencies. The  
12 department of the attorney general shall post the reports required  
13 under this subsection on the department of the attorney general's  
14 website.

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

21 (6) This section does not prohibit or restrict any government  
22 entity or official from sending to, or receiving from, federal  
23 immigration authorities information regarding the citizenship or  
24 immigration status, lawful or unlawful, of an individual under 8  
25 USC 1373 and 8 USC 1644.

26 Sec. 4. Not more than 3 months after the effective date of  
27 this act, the department of the attorney general shall publish  
28 model policies for law enforcement agencies in this state to  
29 provide guidelines to law enforcement agencies on how to limit



1 assistance with immigration enforcement.

2 Enacting section 1. This act takes effect 90 days after the

3 date it is enacted into law.

