

# HOUSE BILL NO. 4726

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

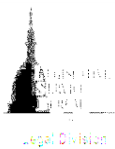
A bill to create the standards for responding to federal immigration holds act; and to provide for the powers and duties of certain state and local governmental officers and entities.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "standards for responding to federal immigration holds act".

3           Sec. 2. As used in this act:

4           (a) "Eligible for release from custody" means that the  
5 individual may be released from custody because 1 of the following  
6 events has occurred:



1 (i) All criminal charges against the individual have been  
2 dropped or dismissed.

3 (ii) The individual has been acquitted of all criminal charges  
4 filed against him or her.

5 (iii) The individual has served all the time required for his or  
6 her sentence.

7 (iv) The individual has posted a bond.

8 (v) The individual is otherwise eligible for release under  
9 state or local law or local policy.

10 (b) "Immigration hold" means an immigration detainer issued by  
11 an authorized immigration officer, under 8 CFR 287.7, that requests  
12 that the law enforcement official maintain custody of the  
13 individual for a period not to exceed 48 hours, excluding  
14 Saturdays, Sundays, and holidays, and to advise the authorized  
15 immigration officer prior to the release of that individual.

16 (c) "Law enforcement official" means a state or local law  
17 enforcement agency or officer authorized to enforce criminal  
18 statutes, regulations, or local ordinances or to operate a jail or  
19 to maintain custody of individuals in a jail, and any person or  
20 local agency authorized to operate a juvenile detention facility or  
21 to maintain custody of individuals in a juvenile detention  
22 facility.

23 Sec. 3. A law enforcement official shall not continue to  
24 detain an individual after that individual becomes eligible for  
25 release from custody on the basis of the immigration hold without a  
26 judicial determination that probable cause exists to believe that  
27 the individual committed a crime in this state made within 48 hours  
28 of the initial detainment.

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



1 date it is enacted into law.

