

NINETY-FOURTH SESSION

H. F. No. 16

1.1 A bill for an act

1.2 relating to law enforcement; prohibiting immigration law enforcement

1.3 noncooperation ordinances and policies; providing for use of immigration-related

1.4 data; requiring county attorneys to notify federal immigration authorities when an

1.5 undocumented person is arrested for a crime of violence; proposing coding for

1.6 new law in Minnesota Statutes, chapters 13; 299A; 388.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. **[13.021] IMMIGRATION DATA; PREEMPTION.**

1.9 (a) Notwithstanding any other state or local law, no government entity or responsible

1.10 authority within Minnesota may prohibit, or in any way restrict, any government entity,

1.11 responsible authority or designee, or other official from sending to, or receiving from, a

1.12 federal immigration agency or federal law enforcement officer, information regarding the

1.13 citizenship or immigration status, lawful or unlawful, of any individual for the purpose of

1.14 complying with, aiding, or assisting in the enforcement of federal immigration laws and

1.15 regulations.

1.16 (b) Notwithstanding any other state or local law, no person or government entity may

1.17 prohibit, or in any way restrict, a public employee from doing any of the following with

1.18 respect to data regarding the immigration status, lawful or unlawful, of any individual:

1.19 (1) sending the data to, or requesting or receiving the information from, a federal

1.20 immigration agency or federal law enforcement officer;

1.21 (2) maintaining the data; or

(3) exchanging the data with any other federal, state, or local government entity for the purpose of complying with, aiding, or assisting in the enforcement of federal immigration laws and regulations.

(c) When the attorney general or a county attorney has information providing a reasonable ground to believe that any person or government entity failed to comply with this section, the attorney general or a county attorney shall investigate those violations, or suspected violations, and apply to a district court, upon notice, and the court, on a showing by the attorney general of cause therefor, may issue such order as may be required to compel compliance with this section.

(d) For the purposes of this section, the following terms have the meanings given:

(1) "federal immigration agency" means the United States Department of Justice and the United States Department of Homeland Security, a division within such an agency, including United States Immigration and Customs Enforcement and United States Customs and Border Protection, any successor agency, and any other federal agency charged with the enforcement of immigration law; and

(2) "federal law enforcement officer" means any officer, agent, or employee of the United States authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of federal criminal law.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. [299A.82] IMMIGRATION LAWS; NONCOOPERATION PROHIBITED.

(a) For purposes of this section, the following terms have the meanings given:

(1) "criminal justice agency" has the meaning given in section 13.02, subdivision 3a;

(2) "federal immigration agency" means the United States Department of Justice and the United States Department of Homeland Security, a division within such an agency, including United States Immigration and Customs Enforcement and United States Customs and Border Protection, any successor agency, and any other federal agency charged with the enforcement of immigration law;

(3) "federal law enforcement officer" means any officer, agent, or employee of the United States authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of federal criminal law;

(4) "government entity" has the meaning given in section 13.02, subdivision 7a;

3.1 (5) "peace officer" has the meaning given in section 626.84, subdivision 1, paragraph
3.2 (c);

3.3 (6) "person" has the meaning given in section 13.02, subdivision 10; and

3.4 (7) "political subdivision" has the meaning given in section 13.02, subdivision 11.

3.5 (b) Notwithstanding any other state or local law, no political subdivision, whether acting
3.6 through its governing body or by an initiative, referendum, or any other process, shall enact
3.7 any ordinance, regulation, or policy that limits or prohibits a criminal justice agency, peace
3.8 officer, or official or employee of the political subdivision from communicating or
3.9 cooperating with a federal immigration agency or federal law enforcement officer with
3.10 regard to (1) information concerning the immigration status of any person within Minnesota
3.11 for the purpose of complying with, aiding, or assisting in the enforcement of federal
3.12 immigration laws and regulations, or (2) the enforcement of federal immigration laws and
3.13 regulations.

3.14 (c) When the attorney general or a county attorney has information providing a reasonable
3.15 ground to believe that any person or government entity failed to comply with this section,
3.16 the attorney general or county attorney shall investigate those violations, or suspected
3.17 violations, and apply to a district court, upon notice, and the court, on a showing by the
3.18 attorney general of cause therefor, may issue such order as may be required to compel
3.19 compliance with this section.

3.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.21 Sec. 3. **[388.165] UNDOCUMENTED OFFENDERS; REPORTING REQUIRED.**

3.22 (a) When a peace officer arrests an undocumented person on suspicion of committing
3.23 a crime of violence, as defined in section 624.712, subdivision 5, the county attorney must
3.24 report the person to the United States Immigration and Customs Enforcement Division.
3.25 This reporting requirement applies in all cases even if the county attorney elects not to file
3.26 charges against the arrested undocumented person.

3.27 (b) The report required under this section must include for each undocumented person,
3.28 if known, all of the following:

3.29 (1) the name, date of birth, country of origin, and home address of the undocumented
3.30 person;

3.31 (2) the date of the offense;

3.32 (3) the location of the offense;

- 4.1 (4) the crime committed;
- 4.2 (5) any organized group involved in the incident;
- 4.3 (6) the status of the case; and
- 4.4 (7) any additional information the superintendent deems necessary for the acquisition
- 4.5 of accurate and relevant data.
- 4.6 (c) For purposes of this section, an "undocumented person" is someone who resides in
- 4.7 the United States without the approval or acquiescence of the United States Citizenship and
- 4.8 Immigration Services.
- 4.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.