

Senate Bill 340

By: Senators Pearson of the 51st, Rogers of the 21st, Johnson of the 1st, Williams of the 19th, Shafer of the 48th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to
2 general provisions applicable to counties, municipal corporations, and other governmental
3 entities, so as to prohibit sanctuary polices by local governmental entities; to provide for
4 related matters; to provide an effective date; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

8 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general
9 provisions applicable to counties, municipal corporations, and other governmental entities,
10 is amended by adding a new Code section to read as follows:

11 "36-80-22.

12 (a) As used in this Code section, the term:

13 (1) 'Federal officials or law enforcement officers' means any person employed by the
14 United States government for the purpose of enforcing or regulating federal immigration
15 laws and any peace officer certified by the Georgia Peace Officer Standards and Training
16 Council where such federal official or peace officer is acting within the scope of his or
17 her employment for the purpose of enforcing federal immigration laws or preserving
18 homeland security.

19 (2) 'Immigration status' means the legality or illegality of an individual's presence in the
20 United States as determined by federal law.

21 (3) 'Immigration status information' means any information, including but not limited to
22 any statement, document, computer generated data, recording, or photograph, which is
23 relevant to immigration status or the identity or location of an individual who is
24 reasonably believed to be illegally residing within the United States or who is reasonably
25 believed to be involved in domestic terrorism as that term is defined in Code Section
26 16-4-10 or a terroristic act as that term is defined by Code Section 35-3-62.

1 (4) 'Local governing body' means any political subdivision of this state, including any
2 county, consolidated government, municipality, authority, school district, commission,
3 board, or any other local public body corporate, governmental unit, or political
4 subdivision.

5 (5) 'Local official or employee' means any official, employee, contractor, agent, or
6 certified peace officer acting on behalf of or in conjunction with a local governing body
7 whether employed for compensation or acting on a voluntary or nonprofit basis.

8 (6) 'Sanctuary policy' means any regulation, rule, policy, or practice adopted by a local
9 governing body which prevents or tends to prevent local officials or employees from
10 communicating or cooperating with federal officials or law enforcement officers with
11 regard to reporting the immigration status of any person or otherwise providing
12 immigration status information while such local official or employee is acting within the
13 scope of his or her official duties.

14 (b) No local governing body, whether acting through its governing body or by an initiative,
15 referendum, or any other process, shall enact, adopt, implement, or enforce any sanctuary
16 policy.

17 (c) Any local governing body that acts in violation of this Code section or that fails to
18 cooperate with federal officials or law enforcement officers with regard to reporting the
19 immigration status of any person or that otherwise fails to reasonably provide immigration
20 status information to a federal official or law enforcement officer shall be subject to the
21 withholding of state funding or state administered federal funding."

22 SECTION 2.

23 This Act shall become effective upon its approval by the Governor or upon its becoming law
24 without such approval.

25 SECTION 3.

26 All laws and parts of laws in conflict with this Act are repealed.