

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

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Code Section 13-10-91 of the Official Code of Georgia Annotated, relating to  
2 verification of new employee information, so as to provide for penalties; to amend Chapter  
3 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions  
4 applicable to counties, municipal corporations, and other governmental entities, so as to  
5 prohibit sanctuary polices by local governmental entities; to provide for penalties; to amend  
6 Code Section 50-36-1 of the Official Code of Georgia Annotated, relating to the verification  
7 requirements, procedures, and conditions for determining lawful presence in the United  
8 States, so as to provide for penalties; to provide for related matters; to provide an effective  
9 date; to repeal conflicting laws; and for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 Code Section 13-10-91 of the Official Code of Georgia Annotated, relating to the verification  
13 of new employee information, is amended by adding a new subsection to read as follows:  
14 "(f) On or after July 1, 2008, any public employer that fails to abide by any requirement of  
15 this Code section shall be subject to the withholding of state funding or state administered  
16 federal funding."

17 **SECTION 2.**

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

21 "36-80-22.

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

23 (1) 'Federal officials or law enforcement officers' means any person employed by the  
24 United States government for the purpose of enforcing or regulating federal immigration  
25 laws and any peace officer certified by the Georgia Peace Officer Standards and Training

1 Council where such federal official or peace officer is acting within the scope of his or  
2 her employment for the purpose of enforcing federal immigration laws or preserving  
3 homeland security.

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

6 (3) 'Immigration status information' means any information, including but not limited to  
7 any statement, document, computer generated data, recording, or photograph, which is  
8 relevant to immigration status or the identity or location of an individual who is  
9 reasonably believed to be illegally residing within the United States or who is reasonably  
10 believed to be involved in domestic terrorism as that term is defined in Code Section  
11 16-4-10 or a terroristic act as that term is defined by Code Section 35-3-62.

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

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

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

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

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

### 33 SECTION 3.

34 Code Section 50-36-1, relating to the verification requirements, procedures, and conditions  
35 for determining lawful presence in the United States, is amended by adding a new subsection  
36 to read as follows:

1 "(k) On or after July 1, 2008, any public employer that fails to abide by any requirement  
2 of this Code section shall be subject to the withholding of state funding or state  
3 administered federal funding."

4 **SECTION 4.**

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

7 **SECTION 5.**

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