

The House Committee on Judiciary offers the following substitute to SB 340:

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

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

13 **SECTION 1.**

14 Code Section 13-10-91 of the Official Code of Georgia Annotated, relating to the verification
15 of new employee information, is amended by adding a new subsection to read as follows:
16 "(f) If a public employer fails to abide by any requirement of this Code section, the
17 Attorney General of this state shall have the authority to bring an action against such public
18 employer, in his or her discretion, as may be appropriate to enforce compliance with this
19 Code section."

20 **SECTION 2.**

21 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general
22 provisions applicable to counties, municipal corporations, and other governmental entities,
23 is amended by adding a new Code section to read as follows:
24 "36-80-22.
25 (a) As used in this Code section, the term:

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

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

9 (3) 'Immigration status information' means any information, including but not limited to
10 any statement, document, computer generated data, recording, or photograph, which is
11 relevant to immigration status or the identity or location of an individual who is
12 reasonably believed to be illegally residing within the United States or who is reasonably
13 believed to be involved in domestic terrorism as that term is defined in Code Section
14 16-4-10 or a terroristic act as that term is defined by Code Section 35-3-62.

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

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

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

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

31 (c) If a local governing body acts in violation of this Code section or fails to cooperate
32 with federal officials or law enforcement officers with regard to reporting the immigration
33 status of any person or otherwise fails to reasonably provide immigration status
34 information to a federal official or law enforcement officer, the Attorney General of this
35 state shall have the authority to bring an action against such local governing body, in his
36 or her discretion, as may be appropriate to enforce compliance with this Code section."

SECTION 3.

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

5 "(k) If an agency or political subdivision of this state fails to abide by any requirement of
6 this Code section, the Attorney General of this state shall have the authority to bring an
7 action against such agency or political subdivision of this state, in his or her discretion, as
8 may be appropriate to enforce compliance with this Code section."

SECTION 4.

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

SECTION 5.

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