

Senate Bill 20

By: Senators Pearson of the 51st, Rogers of the 21st, Seabaugh of the 28th, Williams of the 19th and Mullis of the 53rd

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, 2009, any public employer that fails to abide by any requirement
15 of this Code section shall be subject to the withholding of state funding or state
16 administered 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 "36-80-23.

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

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

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

31 (3) 'Immigration status information' means any information, including but not limited to
 32 any statement, document, computer generated data, recording, or photograph, which is
 33 relevant to immigration status or the identity or location of an individual who is
 34 reasonably believed to be illegally residing within the United States or who is reasonably
 35 believed to be involved in domestic terrorism as that term is defined in Code Section
 36 16-4-10 or a terroristic act as that term is defined by Code Section 35-3-62.

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

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

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

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

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

58 **SECTION 3.**

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

62 "(k) On or after July 1, 2009, any public employer that fails to abide by any requirement
63 of this Code section shall be subject to the withholding of state funding or state
64 administered federal funding."

65 **SECTION 4.**

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

68 **SECTION 5.**

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