

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

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, 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 other than funds to provide services specified in subsection
17 (c) of Code Section 50-36-1."

18 **SECTION 2.**

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

22 "36-80-23.

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

24 (1) 'Federal officials or law enforcement officers' means any person employed by the
25 United States government for the purpose of enforcing or regulating federal immigration

26 laws and any peace officer certified by the Georgia Peace Officer Standards and Training
27 Council where such federal official or peace officer is acting within the scope of his or
28 her employment for the purpose of enforcing federal immigration laws or preserving
29 homeland security.

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

32 (3) 'Immigration status information' means any information, including but not limited to
33 any statement, document, computer generated data, recording, or photograph, which is
34 relevant to immigration status or the identity or location of an individual who is
35 reasonably believed to be illegally residing within the United States or who is reasonably
36 believed to be involved in domestic terrorism as that term is defined in Code Section
37 16-4-10 or a terroristic act as that term is defined by Code Section 35-3-62.

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

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

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

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

54 (c) Any local governing body that acts in violation of this Code section or that fails to
55 cooperate with federal officials or law enforcement officers with regard to reporting the
56 immigration status of any person or that otherwise fails to reasonably provide immigration
57 status information to a federal official or law enforcement officer shall be subject to the
58 withholding of state funding or state administered federal funding other than funds to
59 provide services specified in subsection (c) of Code Section 50-36-1."

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SECTION 3.

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

64 "(k) On or after July 1, 2009, any public employer that fails to abide by any requirement
65 of this Code section shall be subject to the withholding of state funding or state
66 administered federal funding that does not relate to services specified in subsection (c) of
67 Code Section 50-36-1."

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SECTION 4.

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

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SECTION 5.

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