

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

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 immigration sanctuary polices by local governmental entities; to
4 provide for penalties; to provide for related matters; to provide an effective date; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **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 "36-80-23.

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

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

32 (5) 'Local official or employee' means any elected or appointed official, supervisor or
33 managerial employee, contractor, agent, or certified peace officer acting on behalf of or
34 in conjunction with a local governing body.

35 (6) 'Sanctuary policy' means any regulation, rule, policy, or practice adopted by a local
36 governing body which prohibits or restricts local officials or employees from
37 communicating or cooperating with federal officials or law enforcement officers with
38 regard to reporting immigration status information while such local official or employee
39 is acting within the scope of his or her official duties.

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

43 (c) Any local governing body that acts in violation of this Code section shall be subject to
44 the withholding of state funding or state administered federal funding other than funds to
45 provide services specified in subsection (c) of Code Section 50-36-1.

46 (d) The Department of Community Affairs, the Department of Transportation, or any other
47 state agency that provides funding to local governing bodies may require certification of
48 compliance with this Code section as a condition of funding."

49 **SECTION 2.**

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

52 **SECTION 3.**

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