

Senate Bill 174

By: Senators Bethel of the 54th, Murphy of the 27th, Balfour of the 9th, Hill of the 32nd, McKoon of the 29th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to jails,
2 so as to require all jails to participate in the federal Department of Homeland Security's
3 Secure Communities initiative; to require certain jurisdictions to enter into memorandums
4 of agreement with the federal government under Section 287(g) of the federal Immigration
5 and Nationality Act; to provide sanctions for failure to do so; to provide for related matters;
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to jails, is amended
10 by adding a new article to read as follows:

11 "ARTICLE 6

12 42-4-120.

13 (a) On and after January 1, 2012, all jails in this state shall participate in and use the
14 federal Department of Homeland Security's Secure Communities initiative or any similar
15 replacement federal program.

16 (b) On and after January 1, 2012, all county jails in counties with a population of 100,000
17 persons or more according to the 2010 United States decennial census or any future such
18 census shall enter into or be actively pursuing memorandums of agreement with the federal
19 government under Section 287(g) of the federal Immigration and Nationality Act to
20 identify, process, and detain immigration offenders.

21 (c) On and after January 1, 2012, the failure by a jail in this state to participate in and use
22 the federal Department of Homeland Security's Secure Communities initiative or any
23 similar replacement federal program shall, notwithstanding any provision of law to the
24 contrary, result in the county or municipality which operates such jail ceasing to be deemed

25 a qualified local government under Chapter 8 of Title 50 until such time as the county or
26 municipality can demonstrate to the satisfaction of the Department of Community Affairs
27 that such county or municipality is participating and using such initiative or program and
28 will continue to use such initiative or program.

29 (d) On and after January 1, 2012, the failure of a county in this state with a population of
30 100,000 persons or more according to the 2010 United States decennial census or any
31 future such census to enter into or be actively pursuing a memorandum of agreement with
32 the federal government under Section 287(g) of the federal Immigration and Nationality
33 Act to identify, process, and detain immigration offenders shall, notwithstanding any
34 provision of law to the contrary, result in the county ceasing to be deemed a qualified local
35 government under Chapter 8 of Title 50 until such time as the county can demonstrate to
36 the satisfaction of the Department of Community Affairs that such county has entered into
37 or is actively pursuing a memorandum of agreement with the federal government under
38 Section 287(g)."

39 **SECTION 2.**

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