

House Bill 452

By: Representatives Petrea of the 166th, Hitchens of the 161st, Powell of the 32nd, Reeves of the 34th, and Clark of the 147th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding the Georgia Bureau of Investigation, so as to require
3 the bureau to publicly post and share certain information from the Law Enforcement
4 Notification System of the Enforcement Integrated Database of the United States Department
5 of Homeland Security to the extent permitted by federal law; to amend Article 1 of Chapter
6 4 of Title 42 of the Official Code of Georgia Annotated, relating to general provisions
7 regarding jails, so as to require the Georgia Bureau of Investigation, instead of the Georgia
8 Sheriffs' Association, to prepare and issue guidelines and procedures regarding compliance
9 with Code Section 42-4-14; to require each jail of a county or municipality to provide a list
10 to the Georgia Bureau of Investigation of all persons confined in such jails who are not
11 citizens of the United States; to require each jail of a county or municipality to provide a list
12 to the Georgia Bureau of Investigation of all persons released from custody despite such
13 person being the subject of a detainer request by the United States Immigration and Customs
14 Enforcement; to require the Georgia Bureau of Investigation to publish such lists on its
15 website; to provide for penalties for noncompliance; to provide for related matters; to repeal
16 conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Article 1 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to
20 general provisions regarding the Georgia Bureau of Investigation, is amended by adding a
21 new Code section to read as follows:

22 "35-3-14.

23 To the extent permitted by federal law, the bureau shall post on its public website the
24 names of persons who are aliens; who have been arrested, booked, detained, incarcerated,
25 or convicted during immigration and criminal law enforcement investigations; and who
26 have been released from federal custody within the boundaries of this state, as such names

27 are presented within the Law Enforcement Notification System of the Enforcement
 28 Integrated Database of the United States Department of Homeland Security or the National
 29 Law Enforcement Telecommunications System as received by the Georgia Information
 30 Sharing and Analysis Center within the bureau or any replacement agency. Within 12
 31 hours of receiving such names, the bureau shall post such names as required by this Code
 32 section and electronically send a copy of such names to the Georgia Sheriffs' Association."

33 **SECTION 2.**

34 Article 1 of Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to
 35 general provisions regarding jails, is amended by revising subsection (e) of Code Section
 36 42-4-14, relating to "illegal alien" defined and determination of nationality of person charged
 37 with felony and confined in a jail facility, as follows:

38 "(e) ~~The Georgia Sheriffs Association~~ Georgia Bureau of Investigation shall prepare and
 39 issue guidelines and procedures used to comply with the provisions of this Code section."

40 **SECTION 3.**

41 Said article is further amended by adding a new Code section to read as follows:

42 "42-4-14.1.

43 (a)(1) Beginning on August 15, 2017, and on the fifteenth day of each calendar month
 44 thereafter, each jail of a county or municipality shall provide to the Georgia Bureau of
 45 Investigation a list containing each person who is confined in such jail during the
 46 preceding calendar month and who is not a citizen of the United States. Such list shall
 47 include, if known and applicable, such person's legal name; aliases; nationality;
 48 immigration status; United States Department of Homeland Security's Form I-94
 49 identification number, Form I-551 identification number, and employment authorization
 50 document card number; violation or charges for which such person is confined; and a
 51 notation of all known prior arrests and convictions of such person in the United States.
 52 Such list shall be provided to the Georgia Bureau of Investigation in such form as the
 53 director of the Georgia Bureau of Investigation shall require by rules and regulations.

54 (2) By the twentieth day of each month, the Georgia Bureau of Investigation shall
 55 publish the lists provided for under paragraph (1) of this subsection on its website. Each
 56 subsequent month's list shall supplement, and not replace, prior months' lists.

57 (b)(1) Beginning on August 15, 2017, and on the fifteenth day of each calendar month
 58 thereafter, each jail of a county or municipality shall provide to the Georgia Bureau of
 59 Investigation a list containing each person who was released from the custody of such
 60 jail, who was not released into the custody of another law enforcement agency, and who,
 61 at the time of such release, was the subject of an immigration detainer request by the

62 United States Immigration and Customs Enforcement that such person not be released
63 into the general population of the United States such that the United States Immigration
64 and Customs Enforcement could take custody of such person. Such list shall include, if
65 known and applicable, such person's legal name; aliases; nationality; immigration status;
66 United States Department of Homeland Security's Form I-94 identification number, Form
67 I-551 identification number, and employment authorization document card number;
68 violation or charges for which such person was confined; and a notation of all known
69 prior arrests and convictions of such person in the United States. Such list shall be
70 provided to the Georgia Bureau of Investigation in such form as the director of the
71 Georgia Bureau of Investigation shall require by rules and regulations.

72 (2) By the twentieth day of each month, the Georgia Bureau of Investigation shall
73 publish the lists provided for under paragraph (1) of this subsection on its website. Each
74 subsequent month's list shall supplement, and not replace, prior months' lists.

75 (c) Each jail of a county or municipality which does not comply with the requirements of
76 this Code section shall subject such county or municipality to the withholding of state
77 funding or state administered federal funding pertaining to the funding of law enforcement
78 agencies for the duration of such noncompliance and for six months after such
79 noncompliance ends. The director of the Georgia Bureau of Investigation shall promulgate
80 rules and regulations for identifying the jails of such counties and municipalities which are
81 in noncompliance and notifying the appropriate state funding providers."

82 **SECTION 4.**

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