

Senate Bill 21

By: Senators Tillery of the 19th, Brass of the 6th, Walker III of the 20th, Harbin of the 16th, Burns of the 23rd and others

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 waive sovereign and governmental immunities for local governments and  
4 their officials and employees for a violation of the prohibition on immigration sanctuary  
5 policies; to amend Article 1 of Chapter 4 of Title 42 of the Official Code of Georgia  
6 Annotated, relating to general provisions regarding jails, so as to require sheriffs, jailers, and  
7 deputies to honor immigration detainer requests issued by the Department of Homeland  
8 Security; to provide a definition; to provide for related matters; to repeal conflicting laws;  
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general  
13 provisions applicable to counties, municipal corporations, and other governmental entities,  
14 is amended by adding a new subsection to Code Section 36-80-23, relating to prohibition on  
15 immigration sanctuary policies by local governmental entities, and certification of  
16 compliance, to read as follows:

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17 "(f) In the event that a local governing body acts in violation of this Code section, the  
18 sovereign immunity of such local governing body and the governmental immunity of all  
19 local officials and employees of such local governing body is waived in all matters arising  
20 from or resulting in the violation of this Code section."

21 **SECTION 2.**

22 Article 1 of Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to  
23 general provisions regarding jails, is amended by adding a new Code section to read as  
24 follows:

25 "42-4-17.

26 (a) As used in this Code section, the term 'immigration detainer request' means a federal  
27 government request to a local entity to maintain temporary custody of an alien, including  
28 a United States Department of Homeland Security Form I-247 document or a similar  
29 successor form.

30 (b) All sheriffs, jailers, and deputies who have custody of a person who is subject to an  
31 immigration detainer request issued by the United States Immigration and Customs  
32 Enforcement shall:

33 (1) Comply with, honor, and fulfill any request made in the immigration detainer request  
34 provided by the United States Immigration and Customs Enforcement; and

35 (2) Inform the person identified in the immigration detainer request that the person is  
36 being held pursuant to an immigration detainer request issued by the United States  
37 Immigration and Customs Enforcement.

38 (c) A sheriff, jailer, or deputy shall not be required to perform a duty imposed by  
39 subsection (b) of this Code section with respect to a person who has provided proof that he  
40 or she is a citizen of the United States. Such proof may include:

41 (1) A driver's license or identification card issued pursuant to Chapter 5 of Title 40; or

42 (2) Government issued identification issued by the federal government or another state.

43 (d) In the event that a sheriff, jailer, or deputy acts in violation of this Code section, the  
44 sovereign and other governmental immunities of such sheriff, jailer, or deputy is waived  
45 in all matters arising from or resulting in the violation of this Code section."

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**SECTION 3.**

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