

The Senate Committee on Public Safety offered the following substitute to SB 21:

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 Code Section 42-1-11.5 of the Official Code of Georgia Annotated,  
6 relating to compliance with immigration detainer notices, so as to provide for immunity  
7 waivers; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

15 "(f) In the event that a local governing body acts in violation of this Code section, the  
16 sovereign immunity of such local governing body and the governmental immunity of all

17 local officials and employees of such local governing body is waived in all matters arising  
18 from or resulting in the violation of this Code section."

19 **SECTION 2.**

20 Code Section 42-1-11.5 of the Official Code of Georgia Annotated, relating to compliance  
21 with immigration detainer notices, is amended by revising said Code section as follows:

22 "42-1-11.5.

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

24 (1) 'Custodial authority' means the commissioner if a person is in physical custody at a  
25 penal institution, the sheriff if a person is in physical custody at a county jail, the warden  
26 if a person is in physical custody at county correctional institution, and the chief of police  
27 if a person is in physical custody at a municipal detention facility.

28 (2) 'Immigration detainer notice' means documentation issued by the federal government  
29 requesting that a custodial authority maintain temporary custody of an illegal alien as  
30 such term is defined in Code Section 42-4-14, including a United States Department of  
31 Homeland Security Form I-247 document or a similar successor form.

32 (b) Any custodial authority who has custody of a person who is subject to an immigration  
33 detainer notice shall:

34 (1) Comply with, honor, and fulfill any request made in the immigration detainer notice;  
35 and

36 (2) Inform the person identified in the immigration detainer notice that the person is  
37 being held pursuant to such notice.

38 (c) In the event that a custodial authority acts in violation of this Code section, the  
39 sovereign and other governmental immunities of such custodial authority are waived in all  
40 matters arising from or resulting in the violation of this Code section."

41

**SECTION 3.**

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