

ADOPTED

Senators Tillery of the 19th, Robertson of the 29th, Summers of the 13th, Hatchett of the 50th, and Hufstetler of the 52nd offered the following amendment #1:

1 *Amend HB 295 (LC 63 0070S) by inserting after "sovereign immunity;" on line 9 the*
2 *following:*

3 to amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to
4 general provisions applicable to counties, municipal corporations, and other governmental
5 entities, so as to waive sovereign and governmental immunities for local governments and
6 their officials and employees for a violation of the prohibition on immigration sanctuary
7 policies; to amend Code Section 42-1-11.5 of the Official Code of Georgia Annotated,
8 relating to compliance with immigration detainer notices, so as to provide for immunity
9 waivers;

10 *By inserting after line 134 the following:*

11 **SECTION 2.**

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, certification of compliance,
16 and punishment, to read as follows:

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 3.**

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

24 "42-1-11.5.

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

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

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

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

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

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

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

43 *By redesignating Section 2 as Section 4.*