

**SENATE AMENDMENT #1 TO HB 295****ADOPTED SENATE**

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; to amend Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating  
10 to state printing and documents, so as to provide for public disclosure of certain documents;

11 *By inserting after line 134 the following:*

12 **SECTION 2.**

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

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

**SECTION 3.**

22

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

25 "42-1-11.5.

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

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

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

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

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

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

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

44

**SECTION 4.**

45 Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to state printing  
46 and documents, is amended by adding a new Code section to read as follows:

47 "50-18-79.

48 (a) If any claim of an unlawful employment practice made against the General Assembly,  
49 the House of Representatives, the Senate, or any member, office, or employee thereof,  
50 including, but not limited to, a claim of sexual harassment, discriminatory harassment,  
51 discrimination, or retaliation, is resolved in whole or in part by a settlement agreement, a  
52 memorandum of agreement or understanding, or other similar document, however  
53 denominated, such agreement shall be subject to public disclosure with the claimant's  
54 identity redacted. For purposes of this subsection exclusively, the General Assembly shall  
55 be an agency. This subsection shall be applied retroactively.  
56 (b) Except as provided for in subsection (a) of this Code section, nothing in this Code  
57 section shall be construed or applied so as to subject the General Assembly to the  
58 provisions of Code Sections 50-18-70 through 50-18-78 or Chapter 14 of this title."

59 *By redesignating Section 2 as Section 5.*