

H.850

Introduced by Representative Casey of Montpelier

Referred to Committee on

Date:

Subject: Internal security and public safety; federal immigration authorities;
corrections

Statement of purpose of bill as introduced: This bill proposes to require a
judicial warrant from a federal immigration authority before the authority
enters a nonpublic area of a sensitive location. It also would terminate and
restrict the Department of Corrections' assistance to federal immigration
authorities to the extent permitted under federal law.

An act relating to immigration enforcement

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 20 V.S.A. chapter 141 is amended to read:

CHAPTER 141. PEACE OFFICERS

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§ 2223. FEDERAL IMMIGRATION AUTHORITIES

(a) Definitions. As used in this section:

(1) "Child care facility" has the same meaning as in 33 V.S.A. § 3511.

1 (2) “Employee” means any person engaged in service to an employer at
2 a sensitive location for wages, salary, or other compensation, and includes an
3 independent contractor.

4 (3) “Federal immigration authority” means a federal agency or
5 department, along with its employees or contractors, tasked with enforcement
6 of immigration law and border entry, including the Department of Homeland
7 Security, Immigration and Customs Enforcement, and U.S. Customs and
8 Border Protection.

9 (4) “Health care facility” has the same meaning as in 18 V.S.A.
10 § 9402(6).

11 (5) “Public library” has the same meaning as in 22 V.S.A. § 101.

12 (6) “School” means a public school or an independent school approved
13 pursuant to 16 V.S.A. § 166.

14 (7) “Sensitive location” means a school, health care facility, public
15 library, and child care facility.

16 (b) Immigration authorities on site.

17 (1) Upon a federal immigration authority appearing at a sensitive
18 location, no employee shall:

19 (A) grant access to the federal immigration authority into a nonpublic
20 area of the sensitive location unless a judicial warrant is presented by the
21 federal immigration authority that names a specific individual under arrest or

1 subject to a search and the warrant is reviewed by a supervisor pursuant to
2 subdivision (2) of this subsection (b); or

3 (B) obstruct the federal immigration authority from entering a
4 nonpublic area of the sensitive location in the event the federal immigration
5 authority enters a nonpublic area of the sensitive location without having been
6 granted access pursuant to subdivision (A) of this subdivision (1).

7 (2) A supervisor of a sensitive location shall:

8 (A) be the primary authority to review a judicial warrant presented by
9 a federal immigration authority at the sensitive location; and

10 (B) designate at least one other employee to serve as a designee of
11 the supervisor in the event that the supervisor is not present when a federal
12 immigration authority appears at the sensitive location.

13 Sec. 2. 28 V.S.A. § 101 is amended to read:

14 § 101. POWERS OF THE DEPARTMENT

15 The Department is charged with the following powers:

16 (1) to establish, maintain, and administer such State correctional
17 facilities and programs as may be required for the custody, control,
18 correctional treatment, and rehabilitation of committed persons, and for the
19 safekeeping of such other persons as may be committed to the Department in
20 accordance with law;

1 (2) to operate diagnostic and treatment programs and such other
2 programs deemed desirable to treat persons committed to the Department and
3 to further other purposes and objectives of this title;

4 (3) to administer the supervision of persons placed on probation and
5 released on parole and to administer probation and parole services;

6 (4) to employ such officers, employees, and agents as deemed necessary
7 to discharge the functions of the Department;

8 (5) to establish standards for the management, operation, personnel, and
9 program of all correctional facilities in the State;

10 (6) to act in an advisory capacity in assisting law enforcement agencies,
11 except federal immigration authorities, and communities in the prevention of
12 crime and delinquency;

13 (7) to enforce and administer such other laws as may be vested in the
14 Department;

15 (8) to enter into agreements for assistance in support of the operation of
16 jails or lockups in accordance with criteria established by the Department, and
17 to use the jails or lockups as provided in this title, except agreements or
18 cooperative arrangements to assist federal immigration authorities;

19 (9) notwithstanding any other provision of law, the State and the
20 Department shall not be responsible for the expense of detaining a person in
21 custody except as provided in this title; and

Sec. 3. 28 V.S.A. § 102(b) is amended to read:

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(a)(1) The Department of Corrections shall provide a written report detailing the existence and scope of the agreements, cooperation, or assistance provided to federal immigration authorities, including any financial and source implications.

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1 Institutions and on Government Operations within 30 days after passage of this
2 act.

3 (b) The Department of Corrections shall terminate any existing contracts or
4 agreements with federal immigration authorities within 30 days after passage
5 of this act except as required by federal law.

6 Sec. 5. EFFECTIVE DATE

7 This act shall take effect on July 1, 2026.