

H.864

Introduced by Representative Greer of Bennington

Referred to Committee on

Date:

Subject: Internal security and public safety; immigration agreements

Statement of purpose of bill as introduced: This bill proposes to restrict the ability of a public agency to enter into an agreement facilitating federal immigration enforcement or housing individuals facing civil violations of federal immigration law.

An act relating to immigration agreements with the federal government

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

Sec. 1. 20 V.S.A. chapter 207 is amended to read:

CHAPTER 207. PROTECTION OF PERSONALLY IDENTIFYING
INFORMATION

§ 4651. PROHIBITED DISCLOSURE OF PERSONALLY IDENTIFYING
INFORMATION

(a) As used in this ~~section~~ chapter:

(1) “Personally identifying information” means information concerning a person’s sex, sexual orientation, gender identity, marital status, race, color, religion, national origin, immigration status, age, or disability.

1 (2) “Public agency” has the same meaning as in 1 V.S.A. § 317 and
2 ~~shall include~~ includes all officers, employees, agents, and independent
3 contractors of the public agency.

4 (b) A public agency shall not:

5 (1) collect information regarding the religious beliefs, practices, or
6 affiliation of any individual for the purpose of registration of an individual
7 based on ~~his or her~~ the individual’s religious beliefs, practices, or affiliations;

8 (2) knowingly disclose personally identifying information to any federal
9 agency or official for the purpose of registration of an individual based on ~~his~~
10 ~~or her~~ the individual’s personally identifying information; or

11 (3) use public agency money, facilities, property, equipment, or
12 personnel to assist in creating or enforcing any federal government program for
13 the registration of an individual based on ~~his or her~~ the individual’s personally
14 identifying information.

15 (c) Any section, term, or provision of an agreement in existence on ~~the~~
16 ~~effective date of this section~~ (March 28, 2017), that conflicts with subsection
17 (b) of this section shall be invalidated on that date to the extent of the conflict.

18 (d) Nothing in this section is intended to prohibit or impede any public
19 agency from complying with the lawful requirements of 8 U.S.C. §§ 1373 and
20 1644. To the extent any State or local law enforcement policy or practice

1 conflicts with the lawful requirements of 8 U.S.C. §§ 1373 and 1644, said
2 policy or practice is, to the extent of such conflict, abolished.

3 (e) Nothing in this section is intended to prohibit or impede any public
4 agency from disclosing or exchanging aggregated information that cannot be
5 used to identify an individual with any other public agency or federal agency
6 or official.

7 § 4652. AUTHORIZATION TO ENTER INTO IMMIGRATION

8 ~~AGREEMENTS PURSUANT TO 8 U.S.C. § 1357(G) AND 19~~

9 ~~U.S.C. § 1401(I)~~

10 (a) Notwithstanding any other provision of law, only the Governor, in
11 consultation with the Vermont Attorney General, is authorized to enter into,
12 modify, or extend an agreement pursuant to ~~8 U.S.C. § 1357(g)~~ or 19 U.S.C.
13 § 1401(i).

14 (b) No public agency, ~~as that term is defined in 1 V.S.A. § 317, or an~~
15 ~~officer, employee, agent, or independent contractor of a public agency,~~ shall
16 enter into an agreement;

17 (1) pursuant to section 287(g) of the Immigration and Nationality Act, 8
18 U.S.C. § 1357(g); ~~or 19 U.S.C. § 1401(i) unless the Governor has authorized~~
19 ~~the agreement as set forth in subsection (a) of this section~~

20 (2) to house individuals for alleged civil violations of federal
21 immigration law.

1 (c) Nothing in this section shall be construed to prohibit or otherwise
2 restrain a law enforcement officer from performing that officer's duties in
3 accordance with State law.

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

5 § 101. POWERS OF THE DEPARTMENT

6 The Department is charged with the following powers:

7 (1) to establish, maintain, and administer such State correctional
8 facilities and programs as may be required for the custody, control,
9 correctional treatment, and rehabilitation of committed persons, and for the
10 safekeeping of such other persons as may be committed to the Department in
11 accordance with law;

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

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

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

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

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

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

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

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

13 (10) to charter, establish, and fund through grants such municipal
14 entities or nonprofit organizations as may be required for providing crime
15 prevention and restorative justice programs for offenders, victims of crime, and
16 the public.

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

18 (b) The Commissioner is charged with the following powers:

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A public agency engaged in an agreement in violation of this act shall terminate the agreement not later than 30 days after the effective date of this act.

This act shall take effect on passage.