

1 H.864  
2 Introduced by Representative Greer of Bennington  
3 Referred to Committee on  
4 Date:  
5 Subject: Internal security and public safety; immigration agreements  
6 Statement of purpose of bill as introduced: This bill proposes to restrict the  
7 ability of a public agency to enter into an agreement facilitating federal  
8 immigration enforcement or housing individuals facing civil violations of  
9 federal immigration law.

10 An act relating to immigration agreements with the federal government

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

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

13                   CHAPTER 207. PROTECTION OF PERSONALLY IDENTIFYING  
14                   INFORMATION

15                   § 4651. PROHIBITED DISCLOSURE OF PERSONALLY IDENTIFYING

16                   INFORMATION

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

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

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

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;

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

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

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

19 \* \* \*

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

## 9 Sec. 5. EFFECTIVE DATE

10 This act shall take effect on passage.