

S.44

Introduced by Senators White, Clarkson, Gulick, Harrison, Hashim and Major

Referred to Committee on Judiciary

Date: February 4, 2025

Subject: Internal security and public safety; protection of personally  
identifying information; immigration agreements

Statement of purpose of bill as introduced: This bill proposes to require the  
Governor to get approval of the General Assembly before entering into certain  
immigration agreements.

~~An act relating to requiring legislative approval prior to entering into  
certain immigration agreements~~

*An act relating to authorization to enter into certain immigration  
agreements*

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

~~Sec. 1. 20 V.S.A. § 4652 is amended to read:~~

§ 4652. AUTHORIZATION TO ENTER INTO AGREEMENTS

PURSUANT TO 8 U.S.C. § 1357(g) AND 19 U.S.C. § 1401(i)

(a) Notwithstanding any other provision of law, only the Governor, in  
consultation with the Vermont Attorney General upon approval from the  
General Assembly as set forth in subsection (b) of this section, is authorized

1 ~~enter into, modify, or extend an agreement pursuant to 8 U.S.C. § 1357(g) or~~

2 ~~19 U.S.C. § 1401(i).~~

3 (b) ~~Notwithstanding subsection (a) of this section, a State, county, or~~  
4 ~~municipal law enforcement agency is authorized to enter into an agreement~~  
5 ~~pursuant to 8 U.S.C. § 1357(g) or 19 U.S.C. § 1401(i) when necessary to~~  
6 ~~address threats to the public safety or welfare of Vermont residents arising out~~  
7 ~~of a declaration of a State or national emergency~~

8 (1) The Governor shall not enter into an agreement pursuant to 8 U.S.C.  
9 § 1357(g) or 19 U.S.C. § 1401(i) without prior approval from the General  
10 Assembly.

11 (2) Not fewer than 60 days before the General Assembly may vote on a  
12 proposed agreement pursuant to subdivision (1) of this subsection, the  
13 Governor shall:

14 (A) provide the General Assembly with:

15 (i) the full text of the proposed agreement; and

16 (ii) an analysis of the potential fiscal, social, and legal impacts of  
17 the agreement; and

18 (B) hold one or more public hearings in order to inform and gather  
19 input from Vermonters, including immigrant advocacy organizations, on the  
20 proposed agreement.

1 ~~(2) No agreement pursuant to 8 U.S.C. § 1357(g) or 19 U.S.C. § 1401(i)~~  
2 shall be entered into if the General Assembly is not in session.

3 ~~(4) No State, county, or municipal law enforcement agency or officer~~  
4 shall engage in any duty or action pursuant to an 8 U.S.C. § 1357(g) or  
5 19 U.S.C. § 1401(i) agreement unless the General Assembly approves of such  
6 agreement as set forth in subdivision (1) of this subsection.

7 (c) On or before December 1 of each year, the Governor shall submit a  
8 letter to the House Committee on Government Operations and Military Affairs  
9 and the Senate Committee on Government Operations addressing the  
10 following matters:

11 (1) providing details on any informal and formal discussions and  
12 negotiations involving agreements pursuant to 8 U.S.C. § 1357(g) or 19 U.S.C.  
13 § 1401(i); and

14 (2) confirming that no agreement pursuant to 8 U.S.C. § 1357(g) or  
15 19 U.S.C. § 1401(i) has been entered into without approval from the General  
16 Assembly.

17 Sec. 2. EFFECTIVE DATE

18 ~~This act shall take effect on passage.~~

*Sec. 1. 20 V.S.A. § 4652 is amended to read:*

*§ 4652. AUTHORIZATION TO ENTER INTO AGREEMENTS  
PURSUANT TO 8 U.S.C. § 1357(g) AND 19 U.S.C. § 1401(i)*

*(a) Notwithstanding any other provision of law, only the Governor, in  
consultation with the Vermont Attorney General, is authorized to enter into,*

*modify, or extend an agreement pursuant to 8 U.S.C. § 1357(g) or 19 U.S.C. § 1401(i).*

*(b) ~~Notwithstanding subsection (a) of this section, a State, county, or municipal law enforcement agency is authorized to enter into an agreement pursuant to 8 U.S.C. § 1357(g) or 19 U.S.C. § 1401(i) when necessary to address threats to the public safety or welfare of Vermont residents arising out of a declaration of a State or national emergency~~ No public agency, as that term is defined in 1 V.S.A. § 317, or an officer, employee, agent, or independent contractor of a public agency, shall enter into an agreement pursuant to 8 U.S.C. § 1357(g) or 19 U.S.C. § 1401(i) unless the Governor has authorized the agreement as set forth in subsection (a) of this section.*

*Sec. 2. EFFECTIVE DATE*

*This act shall take effect on passage.*