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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.*