

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

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1 Committee/Subcommittee hearing bill: Judiciary Committee  
2 Representative Metz offered the following:

3  
4 **Amendment**

5 Remove lines 68-100 and insert:

6 (2) "Immigration detainer" means a facially sufficient  
7 written or electronic request issued by a federal immigration  
8 agency using that agency's official form to request another law  
9 enforcement agency detain a person based on an inquiry into the  
10 person's immigration status or an alleged violation of a civil  
11 immigration law, including detainers issued pursuant to 8 U.S.C.  
12 ss. 1226 and 1357. For the purposes of this subsection, an  
13 immigration detainer is deemed "facially sufficient":

14 (a) When the request is complete and indicates on its face  
15 that the federal immigration official has reason to believe that  
16 the person to be detained may not have been lawfully admitted to

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17 the United States or otherwise is not lawfully present in the  
18 United States; or

19 (b) When the federal immigration agency's official form is  
20 incomplete and fails to indicate on its face that the federal  
21 immigration official has reason to believe that the person to be  
22 detained may not have been lawfully admitted to the United  
23 States or otherwise is not lawfully present in the United  
24 States, but is supported by an accompanying affidavit or order  
25 that indicates the federal immigration official has reason to  
26 believe that the person to be detained may not have been  
27 lawfully admitted to the United States or otherwise is not  
28 lawfully present in the United States.

29 (3) "Inmate" means a person in the custody of a law  
30 enforcement agency.

31 (4) "Law enforcement agency" means an agency in this state  
32 charged with enforcement of state, county, municipal, or federal  
33 laws or with managing custody of detained persons in the state  
34 and includes municipal police departments, sheriff's offices,  
35 state police departments, campus police departments, and the  
36 Department of Corrections. The term includes an official or  
37 employee of such agency.

38 (5) "Local governmental entity" means any county,  
39 municipality, or other political subdivision of this state. The  
40 term includes a person holding public office or having official  
41 duties as a representative, agent, or employee of such entity.

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42 (6) "Sanctuary policy" means a law, policy, practice,  
43 procedure, or custom adopted or permitted by a state entity, law  
44 enforcement agency, or local governmental entity which  
45 contravenes 8 U.S.C. s. 1373(a) or (b), or which knowingly  
46 prohibits or impedes a law enforcement agency from communicating  
47 or cooperating with a federal immigration agency with respect to  
48 federal immigration enforcement, including, but not limited to,  
49 limiting or preventing a state entity, local governmental  
50 entity, or law enforcement agency from:

51 (a) Complying with an immigration detainer;

52 (b) Complying with a request from a federal immigration  
53 agency to notify the agency prior to the release of an inmate or  
54 detainee in the state entity, local government entity, or law  
55 enforcement agency's custody.

56 (c) Providing a federal immigration agency access to an  
57 inmate for interview;

58 (d) Initiating an immigration status investigation; or

59 (e) Providing a federal immigration agency with an