

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Polo offered the following:

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3 **Substitute Amendment for Amendment (033447) (with title**
4 **amendment)**

5 Remove lines 118-203 and insert:

6 (1) Except as otherwise expressly prohibited by federal
7 law, a state entity, local governmental entity, or law
8 enforcement agency, or an employee, an agent, or a
9 representative of the entity or agency, may not prohibit or in
10 any way restrict a law enforcement agency from taking any of the
11 following actions with respect to information regarding a
12 person's immigration status:

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13 (a) Sending the information to or requesting, receiving,
14 or reviewing the information from a federal immigration agency
15 for purposes of this chapter.

16 (b) Recording and maintaining the information for purposes
17 of this chapter.

18 (c) Exchanging the information with a federal immigration
19 agency or another state entity, local governmental entity, or
20 law enforcement agency for purposes of this chapter.

21 (d) Using the information to comply with an immigration
22 detainer.

23 (e) Using the information to confirm the identity of a
24 person who is detained by a law enforcement agency.

25 (2) (a) For purposes of this subsection, the term
26 "applicable criminal case" means a criminal case in which:

27 1. The judgment requires the defendant to be confined in a
28 secure correctional facility; and

29 2. The judge:

30 a. Indicates in the record under s. 908.105 that the
31 defendant is subject to an immigration detainer; or

32 b. Otherwise indicates in the record that the defendant is
33 subject to a transfer into federal custody.

34 (b) In an applicable criminal case, when the judge
35 sentences a defendant who is the subject of an immigration
36 detainer to confinement, the judge shall issue an order
37 requiring the secure correctional facility in which the

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38 defendant is to be confined to reduce the defendant's sentence
39 by a period of not more than 12 days on the facility's
40 determination that the reduction in sentence will facilitate the
41 seamless transfer of the defendant into federal custody. For
42 purposes of this paragraph, the term "secure correctional
43 facility" means a state correctional institution as defined in
44 s. 944.02 or a county detention facility or a municipal
45 detention facility as defined in s. 951.23.

46 (c) If the information specified in sub-subparagraph
47 (a)2.a. or sub-subparagraph (a)2.b. is not available at the time
48 the sentence is pronounced in the case, but is received by a law
49 enforcement agency afterwards, the law enforcement agency shall
50 notify the judge who will issue the order described by paragraph
51 (b) as soon as the information becomes available.

52 (3) When a county correctional facility or the Department
53 of Corrections receives verification from a federal immigration
54 agency that a person subject to an immigration detainer is in
55 the law enforcement agency's custody, the agency may securely
56 transport the person to a federal facility in this state or to
57 another point of transfer to federal custody outside the
58 jurisdiction of the law enforcement agency. The law enforcement
59 agency may transfer a person who is subject to an immigration
60 detainer and is confined in a secure correctional facility to
61 the custody of a federal immigration agency not earlier than 12
62 days before his or her release date. A law enforcement agency

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63 shall obtain judicial authorization before securely transporting
64 an alien to a point of transfer outside of this state.

65 (4) This section does not require a state entity, local
66 governmental entity, or law enforcement agency to provide a
67 federal immigration agency with information related to a victim
68 of or a witness to a criminal offense if the victim or witness
69 timely and in good faith responds to the entity's or agency's
70 request for information and cooperation in the investigation or
71 prosecution of the offense.

72 (5) A state entity, local governmental entity, or law
73 enforcement agency that, pursuant to subsection (4), withholds
74 information regarding the immigration information of a victim of
75 or witness to a criminal offense shall document the victim's or
76 witness's cooperation in the entity's or agency's investigative
77 records related to the offense and shall retain the records for
78 at least 10 years for the purpose of audit, verification, or
79 inspection by the Auditor General.

80 (6) This section does not authorize a law enforcement
81 agency to detain an alien unlawfully present in the United
82 States pursuant to an immigration detainer solely because the
83 alien witnessed or reported a crime or was a victim of a
84 criminal offense.

85 (7) This section does not apply to any alien unlawfully
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T I T L E A M E N D M E N T

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Remove lines 6-9 and insert:

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prohibiting sanctuary policies;