

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

HOUSE BILL NO. 1303

(Representatives Kasper, Headland, Hendrix, Koppelman, Louser, Motschenbacher, S. Olson)
(Senator Castaneda)

AN ACT to amend and reenact section 44-08-25 of the North Dakota Century Code, relating to the prohibition of sanctuary city policies and to create the sanctuary compliance fund; to provide a penalty; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 44-08-25 of the North Dakota Century Code is amended and reenacted as follows:

44-08-25. Prohibition - Sanctuary - Immigration - Void - Fund - Continuing appropriation.

1. Notwithstanding any other provision of law, the state, a political subdivision, or institution of higher education under the supervision of the state board of higher education or any agent or employee of the state, a political subdivision, or the institution of higher education may not adopt or implement whether formally or informally, a sanctuary policy, including a policy, order, or ordinance that:
 - a. Limits or prohibits an individual from communicating or cooperating with federal agencies or officials to verify or report the immigration status of an individual; or
 - b. Grants a noncitizen unlawfully present in the United States the right to lawful presence or status within the state, a political subdivision, or the institution of higher education;
 - c. Violates a provision of chapter 1373 of United States Code title 8 [8 U.S.C. 1373];
 - d. Restricts or imposes a condition upon the cooperation or compliance of a state agency, department, or office or political subdivision with United States immigration and customs enforcement to maintain custody of or to transfer an illegal alien to the custody of United States immigration and customs enforcement; or
 - e. Prevents a law enforcement officer of a political subdivision from asking an individual in custody the individual's citizenship or immigration status.
2. The attorney general, upon receiving a complaint from an individual regarding a violation of this section, may investigate as necessary. If the attorney general finds a political subdivision is in violation of this section, the attorney general shall issue an opinion to the political subdivision, including findings of fact describing with specificity the sanctuary policy.
3. Within thirty days of receiving an opinion under subsection 2, a political subdivision may appeal the opinion to the district court or provide the attorney general with evidence to demonstrate a sanctuary policy is no longer in effect.
4. If a political subdivision provides the attorney general with sufficient evidence to demonstrate a sanctuary policy is no longer in effect, the attorney general shall:
 - a. Issue a second opinion to the political subdivision declaring the political subdivision no longer has a sanctuary policy; and
 - b. If applicable, direct the state treasurer to cease withholding the political subdivision's funding under subsection 5.

5. Within thirty days after the political subdivision receives an opinion under subsection 2, the attorney general shall direct the state treasurer to withhold the political subdivision's allocation from the state aid distribution fund under section 57-39.2-26.1 and deposit the withheld funds into the sanctuary compliance fund. Funds will be distributed to the political subdivision upon compliance with this section as determined by the attorney general.
6. There is created a special fund in the state treasury called the sanctuary compliance fund. The fund consists of all moneys deposited under this section. Moneys in the fund are appropriated on a continuing basis to the state treasurer and may be distributed back to the political subdivision upon compliance with this section, or to political subdivisions that are in compliance with this section, using existing formulas or distribution methods.
7. Any policy, order, or ordinance adopted in violation of this section is void.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1303.

House Vote: Yeas 82 Nays 11 Absent 0

Senate Vote: Yeas 41 Nays 5 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,

at _____ o'clock _____ M.

Secretary of State