

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1303

Introduced by

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

1 A BILL for an Act to amend and reenact section 44-08-25 of the North Dakota Century Code,
2 relating to the prohibition of sanctuary city policies and to create the sanctuary compliance fund;
3 to provide a penalty; and to provide a continuing appropriation.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

7 **44-08-25. Prohibition - Sanctuary - Immigration - Void - Fund - Continuing**
8 **appropriation.**

9 1. Notwithstanding any other provision of law, the state, a political subdivision, or
10 institution of higher education under the supervision of the state board of higher
11 education or any agent or employee of the state, a political subdivision, or the
12 institution of higher education may not adopt or implement, whether formally or
13 informally, a sanctuary policy, including a policy, order, or ordinance that:

14 a. Limits or prohibits an individual from communicating or cooperating with federal
15 agencies or officials to verify or report the immigration status of an individual; or

16 b. Grants a noncitizen unlawfully present in the United States the right to lawful
17 presence or status within the state, a political subdivision, or the institution of
18 higher education;

19 c. Violates a provision of chapter 1373 of United States Code title 8 [8 U.S.C. 1373];

20 d. Restricts or imposes a condition upon the cooperation or compliance of a state
21 agency, department, or office or political subdivision with United States
22 immigration and customs enforcement to maintain custody of or to transfer an

- 1 illegal alien to the custody of United States immigration and customs
2 enforcement; or
3 e. Prevents a law enforcement officer of a political subdivision from asking an
4 individual in custody the individual's citizenship or immigration status.
5 2. The attorney general, upon receiving a complaint from an individual regarding a
6 violation of this section, may investigate as necessary. If the attorney general finds a
7 political subdivision is in violation of this section, the attorney general shall issue an
8 opinion to the political subdivision, including findings of fact describing with specificity
9 the sanctuary policy.
10 3. Within thirty days of receiving an opinion under subsection 2, a political subdivision
11 may appeal the opinion to the district court or provide the attorney general with
12 evidence to demonstrate a sanctuary policy is no longer in effect.
13 4. If a political subdivision provides the attorney general with sufficient evidence to
14 demonstrate a sanctuary policy is no longer in effect, the attorney general shall:
15 a. Issue a second opinion to the political subdivision declaring the political
16 subdivision no longer has a sanctuary policy; and
17 b. If applicable, direct the state treasurer to cease withholding the political
18 subdivision's funding under subsection 5.
19 5. Within thirty days after the political subdivision receives an opinion under subsection 2,
20 the attorney general shall direct the state treasurer to withhold the political
21 subdivision's allocation from the state aid distribution fund under section 57-39.2-26.1
22 and deposit the withheld funds into the sanctuary compliance fund. Funds will be
23 distributed to the political subdivision upon compliance with this section as determined
24 by the attorney general.
25 6. There is created a special fund in the state treasury called the sanctuary compliance
26 fund. The fund consists of all moneys deposited under this section. Moneys in the fund
27 are appropriated on a continuing basis to the state treasurer and may be distributed
28 back to the political subdivision upon compliance with this section, or to political
29 subdivisions that are in compliance with this section, using existing formulas or
30 distribution methods.
31 7. Any policy, order, or ordinance adopted in violation of this section is void.