

HOUSE BILL NO. 1303

Introduced by

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

1 A BILL for an Act to create and enact a new chapter to title 54 of the North Dakota Century
2 Code, relating to the enforcement of federal immigration law and the prohibition on sanctuary
3 cities; to repeal section 44-08-25 of the North Dakota Century Code, relating to the prohibition
4 on sanctuary cities; and to provide a penalty.

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

6 **SECTION 1.** A new chapter to title 54 of the North Dakota Century Code is created and
7 enacted as follows:

8 **Definitions.**

9 As used in this chapter:

- 10 1. "Alien" means an individual who is not a United States citizen.
11 2. "Illegal alien" means an alien who is illegally present in the United States.
12 3. "Sanctuary policy" means an order, ordinance, rule, law, law enforcement policy, or
13 guideline, whether formally or informally adopted, that:
14 a. Limits or prohibits an official or employee of a state agency, department, or office
15 or a political subdivision from communicating or cooperating with federal
16 agencies or officials to verify or report the immigration status of an illegal alien.
17 b. Grants illegal aliens the right of lawful presence or status in violation of federal
18 law.
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 an illegal alien or to
23 transfer an illegal alien to the custody of United States immigration and customs
24 enforcement.

1 e Prevents a law enforcement officer of a political subdivision from asking an
2 individual in custody the individual's citizenship or immigration status.

3 **Sanctuary policy prohibition - State agencies, departments, and offices.**

4 1. A state agency, department, or office may not enact or adopt a sanctuary policy.

5 2. The state treasurer may not disburse public moneys to support the implementation or
6 enforcement of a sanctuary policy of a state agency, department, or office.

7 **Attorney general - Duties - Notice - Sanctions.**

8 1. The attorney general, at the discretion of the attorney general, or upon receiving a
9 complaint from a resident of the state regarding a violation of this chapter, shall issue
10 an opinion and notice to:

11 a. The political subdivision, the state treasurer, and the public finance authority, if a
12 political subdivision is in violation of this chapter.

13 b. The head of the state agency, department, or office, budget section of the
14 legislative assembly, the governor, the president of the senate, the speaker of the
15 house of representatives, and each member of the standing appropriations
16 committees, or if the legislative assembly is not in session, the most recent
17 standing appropriations committees, if a state department, agency, or office is in
18 violation of this chapter.

19 2. If the attorney general issues an opinion under this section, the opinion must include
20 the violations of this chapter and findings of fact describing with specificity the
21 sanctuary policy.

22 3. If a political subdivision provides the attorney general with sufficient evidence to
23 demonstrate a sanctuary policy is no longer in effect, the attorney general shall issue a
24 second opinion declaring the political subdivision has reformed its policies and no
25 longer has a sanctuary policy, and provide the political subdivision, the state treasurer,
26 and the public finance authority with the opinion.

27 4. If the conditions under subdivision b of subsection 1 occur, the budget section of the
28 legislative assembly shall hold a hearing as soon as practicable to determine whether
29 appropriations to the political subdivision, state agency, department, or office should
30 be restricted or conditioned on compliance with this section.

1 **Sanctuary policy prohibition - Political subdivisions - Prohibitions on approval of**
2 **bonds.**

3 1. A political subdivision may not enact or adopt a sanctuary policy.

4 2. If a political subdivision has enacted a sanctuary policy in violation of this chapter, the
5 political subdivision is subject to subsection 3 of this section.

6 3. Notwithstanding any other provision of law, bonds, notes, or other evidence of
7 indebtedness of a political subdivision that the public finance authority is required to
8 approve may not be approved by the public finance authority if notice of a violation of
9 this chapter has been provided by the attorney general to the political subdivision, the
10 public finance authority, and the state treasurer, and the notice of violation remains on
11 file with the public finance authority.

12 4. The notice of violation must remain on file with the public finance authority unless the
13 attorney general issues a second opinion declaring the political subdivision has
14 reformed its policies and no longer has a sanctuary policy.

15 **SECTION 2. REPEAL.** Section 44-08-25 of the North Dakota Century Code is repealed.