

ILLEGAL IMMIGRATION ENFORCEMENT ACT

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Glenn A. Donnelson

Senate Sponsor: D. Chris Buttars

LONG TITLE

General Description:

This bill modifies the Public Safety Code by providing for the enforcement of federal immigration laws by certain state or local law enforcement officers.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ directs the commissioner of the Department of Public Safety to enter into an agreement with the Secretary of Homeland Security to allow certain state law enforcement officers to perform certain functions of a federal immigration officer;
- ▶ provides that the commissioner of the Department of Public Safety shall ensure compliance with the agreement and the requirements of law relating to the agreement;
- ▶ provides that a local law enforcement agency may enter into an agreement with the Secretary of Homeland Security to allow certain local law enforcement officers to perform certain functions of a federal immigration officer;
- ▶ provides that a local law enforcement agency that enters into an agreement described in the preceding paragraph shall ensure compliance with the agreement and the requirements of law in relation to the agreement; and
- ▶ provides that certain state or local law enforcement officers are authorized to enforce federal immigration law and perform certain functions of a federal



28 immigration officer.

29 **Monies Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 ENACTS:

35 **53-15-101**, Utah Code Annotated 1953

36 **53-15-102**, Utah Code Annotated 1953

37 **53-15-103**, Utah Code Annotated 1953

38 **53-15-104**, Utah Code Annotated 1953



40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **53-15-101** is enacted to read:

42 **CHAPTER 15. ILLEGAL IMMIGRATION ENFORCEMENT ACT**

43 **53-15-101. Title.**

44 This chapter is known as the "Illegal Immigration Enforcement Act."

45 Section 2. Section **53-15-102** is enacted to read:

46 **53-15-102. Definitions.**

47 As used in this chapter:

48 (1) "Alien" is as defined in 8 U.S.C. Sec. 1101(a)(3).

49 (2) "Law enforcement officer" is as defined in Section 53-13-103.

50 Section 3. Section **53-15-103** is enacted to read:

51 **53-15-103. Agreement to enforce immigration law.**

52 (1) The commissioner shall:

53 (a) on behalf of the state, enter into an agreement with the Secretary of Homeland
54 Security, pursuant to 8 U.S.C. Sec. 1357(g), to allow a state law enforcement officer to perform
55 a function of a federal immigration officer in relation to the investigation, apprehension, or
56 detention of aliens in the United States; and

57 (b) ensure that the state, and state law enforcement officers, comply with the terms of
58 the agreement described in Subsection (1)(a) and the provisions of 8 U.S.C. Sec. 1357(g).

59 (2) A local law enforcement agency may enter into an agreement with the Secretary of
60 Homeland Security, pursuant to 8 U.S.C. Sec. 1357(g), to allow a local law enforcement officer
61 to perform a function of a federal immigration officer in relation to the investigation,
62 apprehension, or detention of aliens in the United States.

63 (3) If a local law enforcement agency enters into an agreement described in Subsection
64 (2), the local law enforcement agency shall ensure that the local law enforcement agency, and
65 the local law enforcement agency's law enforcement officers, comply with the terms of the
66 agreement and the provisions of 8 U.S.C. Sec. 1357(g).

67 Section 4. Section **53-15-104** is enacted to read:

68 **53-15-104. Authority of a state or local law enforcement officer to enforce**
69 **immigration law.**

70 A state or local law enforcement officer may enforce federal immigration law and
71 otherwise perform a function of a federal immigration officer if the law enforcement officer:

72 (1) is authorized to enforce federal immigration law or perform a function of a federal
73 immigration officer under:

74 (a) an agreement described in Section 53-15-103; and

75 (b) 8 U.S.C. Sec. 1357(g); and

76 (2) complies with the requirements of:

77 (a) the agreement described in Subsection (1)(a); and

78 (b) 8 U.S.C. Sec. 1357(g).

Legislative Review Note
as of 10-4-07 8:52 AM

Office of Legislative Research and General Counsel

H.B. 237 - Illegal Immigration Enforcement Act

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations. If state law enforcement does enforce immigration laws as allowed in the bill, there would be costs depending on the level of enforcement.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments. If local law enforcement does enforce immigration laws as allowed in the bill, there would be costs depending on the level of enforcement.
