

H.B. 70

ILLEGAL IMMIGRATION ENFORCEMENT ACT

HOUSE FLOOR AMENDMENTS

AMENDMENT 5

FEBRUARY 18, 2011 11:18 AM

Representative **Kay L. McIff** proposes the following amendments:

1. *Page 1, Lines 22 through 24:*

22 ▶ provides that a state or local agency may not limit ~~{,by any means,}~~ by ordinance,
 regulation, or policy the authority of
23 any law enforcement or other governmental agency to assist the federal government
24 in the enforcement of any federal immigration law, including the federal

2. *Page 2, Lines 34 through 39:*

34 ~~{→provides that a legal resident may, after establishing standing, bring action against~~
35 ~~an agency that limits enforcement of federal immigration laws and imposes~~
36 ~~financial penalties for violation;~~
37 ~~→provides that penalties imposed on the agencies be directed to the multi-agency~~
38 ~~strike force that deals with crime associated with illegal immigration and human~~
39 ~~trafficking;}~~

3. *Page 7, Lines 177 through 184:*

177 A state or local governmental agency of this state, or any representative of the agency,
178 may not:
179 (1) limit or ~~{by any means}~~ restrict by ordinance, regulation, or policy ~~{, practice, or in any~~
180 ~~other manner}~~ the authority of any law enforcement agency or ~~{officer, or any state or local}~~ other
181 governmental agency to assist the federal government in the enforcement of any federal law or
182 regulation governing immigration; or
183 (2) limit or ~~{by any means}~~ restrict by ordinance, regulation, or policy ~~{, practice, or in any~~
184 ~~other manner}~~ the authority of any law enforcement agency to investigate or enforce any

4. *Page 8, Line 241 through Page 9, Line 263:*

241 ~~{Section 10. Section 76-9-1009 is enacted to read:~~
242 ~~76-9-1009. Legal resident may bring action regarding agency that limits~~
243 ~~enforcement of federal immigration laws.~~
244 ~~(1) A state or local governmental agency may not adopt or implement a policy that~~ limits or
restricts the enforcement of federal immigration laws, including 8 U.S.C. 1373 and

246 ~~1644, to less than the full extent permitted by federal law.~~
247 ~~—— (2) A legal resident of this state who establishes standing may bring an action in~~
248 ~~district court to challenge any state or local governmental agency that acts in violation of~~
249 ~~Subsection (1).~~
250 ~~—— (3) (a) If the court finds that a governmental agency has violated Subsection (1), the~~
251 ~~court shall order that the governmental agency pay a civil penalty of not less than \$500, but not~~
252 ~~more than \$5,000, for each day the policy under Subsection (1) has remained in effect~~
253 ~~subsequent to the fourteenth day after the date the action was filed under Subsection (2).~~
254 ~~—— (b) The penalty shall be paid to the court, which shall transfer the funds for use by the~~
255 ~~multi-agency strike force created under Section 67-5-22.7.~~
256 ~~—— (4) (a) A law enforcement officer is indemnified by the officer's employing agency~~
257 ~~against reasonable costs and expenses, including attorney fees, incurred by the officer in~~
258 ~~connection with any action brought under this section in which the officer may be a defendant~~
259 ~~by reason of the officer's being or having been employed by a law enforcement agency.~~
260 ~~—— (b) An officer under Subsection (4)(a) is not indemnified if the court finds that the~~
261 ~~officer acted in bad faith.~~
262 ~~—— } Section {~~11~~} 10 . Section {~~76-9-1010~~} 76-9-1009 is enacted to read:~~
263 ~~{~~76-9-1010~~} 76-9-1009. Implementation to be consistent with federal law and civil rights.~~

5. Page 9, Line 267

House Committee Amendments

2-14-2011:

267 Section {~~12~~} 11 . Section ~~76-10-2901~~ is amended to read:

6. Page 11, Line 302:

302 Section {~~13~~} 12 . Section ~~77-7-2~~ is amended to read: