

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3459

02/12/2024 Authored by Feist, Gomez, Pérez-Vega, Becker-Finn, Greenman and others
The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; ensuring appropriate use of state and local resources by
1.3 limiting state and local government participation in federal civil immigration
1.4 enforcement efforts; proposing coding for new law in Minnesota Statutes, chapter
1.5 629; repealing Minnesota Statutes 2022, sections 631.50; 631.51.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. [629.80] CIVIL IMMIGRATION ENFORCEMENT; ACTIVITIES
1.8 PROHIBITED; POLICIES REQUIRED.

1.9 Subdivision 1. Definitions. (a) As used in this section, the following terms have the
1.10 meanings given.

1.11 (b) "Civil immigration enforcement" means all efforts to investigate, detect, apprehend,
1.12 or detain an individual with the purpose of enforcing or executing federal immigration
1.13 statutes relating to removal, exclusion, or deportation proceedings, deportation or removal
1.14 orders, or removal from the United States; or to assist in the investigation of, or civil arrest
1.15 of, any persons for the purposes of enforcing federal civil immigration law, including but
1.16 not limited to violations of United States Code, title 8, sections 1182 and 1227. This definition
1.17 does not apply to efforts to assist individuals in applying for immigration benefits or efforts
1.18 to prevent deportation or removal from the United States. This definition does not include
1.19 the enforcement of criminal law.

1.20 (c) "Civil immigration warrant" means a document that is not approved or ordered by a
1.21 judge that can form the basis for an individual's arrest or detention for a civil immigration
1.22 enforcement purpose. Civil immigration warrant includes Form I-200 Warrant for the Arrest
1.23 of Alien, Form I-203 Order to Detain or Release Alien, Form I-205 Warrant of

2.1 Removal/Deportation, Form I-286 Notice of Custody Determination, any predecessor or
2.2 successor form, and all warrants, hits, or requests contained in the Immigration Violator
2.3 File of the FBI's National Crime Information Center database.

2.4 (d) "Federal immigration authority" means an officer, employee, personnel, or agent of
2.5 a federal agency that is charged with civil immigration enforcement, including but not
2.6 limited to the United States Immigration and Customs Enforcement, and the United States
2.7 Customs and Border Protection.

2.8 (e) "Government personnel" means a person employed by a government unit.

2.9 (f) "Government unit" means a state department, agency, commission, council, board,
2.10 task force, or committee; a constitutional office; a court entity; the Minnesota State Colleges
2.11 and Universities; a county, statutory, or home rule charter city, or town; a school district;
2.12 a special district; or any other board, commission, district, or authority created under law,
2.13 local ordinance, or charter provision.

2.14 (g) "Judicial warrant" means a warrant based upon probable cause issued by a state or
2.15 federal judge or federal magistrate judge.

2.16 (h) "Public safety agency" means:

2.17 (1) a law enforcement agency as defined in section 626.84, subdivision 1, paragraph (f);

2.18 (2) a correctional facility as defined in section 241.021, subdivision 1i, including juvenile
2.19 facilities governed by the commissioner of human services and provided for under section
2.20 241.021, subdivision 2;

2.21 (3) an agency providing probation services provided for under section 244.19, subdivision
2.22 3; and

2.23 (4) a public or private entity that provides security services to any of the following
2.24 entities if the entity is controlled by the state of Minnesota, including but not limited to
2.25 public schools, public universities, health care facilities, drug rehabilitation facilities, and
2.26 hospitals.

2.27 (i) "Public safety personnel" means a person employed by a public safety agency.

2.28 Subd. 2. Purpose. (a) The purpose of this section is to direct the state of Minnesota's
2.29 limited resources to matters of greatest concern to state and local government, and to protect
2.30 the safety, well-being, and privacy rights of the people of Minnesota.

2.31 (b) The legislature recognizes that the enforcement of federal civil immigration laws
2.32 are the exclusive purview of the federal government and that the state should not play a role

3.1 in the enforcement of the federal policies, including but not limited to the use of state,
3.2 county, and local resources in the detention of people not held for criminal or state purposes.

3.3 (c) The legislature finds that the resources of the state are better spent on promoting
3.4 public safety, trust in state government and its institutions, and the privacy of its residents.
3.5 Trust in state government is central to the public safety and well-being of the people of
3.6 Minnesota. Public safety and well-being are eroded when state and local government agencies
3.7 participate in federal civil immigration enforcement efforts, as these actions cause immigrant
3.8 community members to fear approaching law enforcement to report crimes and deter these
3.9 members from accessing basic services, including but not limited to health care and public
3.10 education.

3.11 (d) Nothing in this section is intended to hinder, obstruct, or prevent the cooperation
3.12 between the state and the federal government for purposes of detection, investigation, or
3.13 enforcement of criminal activity.

3.14 Subd. 3. **Government restrictions.** (a) A government unit, and the unit's personnel,
3.15 shall not:

3.16 (1) disclose, distribute, disseminate, or allow for the disclosure, distribution, or
3.17 dissemination of data or information on any individual to any federal immigration authority
3.18 if the data or information will be used for civil immigration enforcement, except as required
3.19 by state or federal law, a judicial warrant, or other court order;

3.20 (2) inquire of, ask for, or record a person's immigration or citizenship status, lack of
3.21 Social Security number, or type of government identification used, unless the information
3.22 is required to fulfill or administer a state or local program, investigate or prosecute a state
3.23 crime, fulfill consular notification requirements under international treaty, or otherwise
3.24 required by state or federal law;

3.25 (3) apply for funds from the State Criminal Alien Assistance Program, or any program
3.26 that requires increased information sharing for civil immigration enforcement purposes or
3.27 that requires any type of immigration enforcement action on the part of a government agent;
3.28 and

3.29 (4) enter into, amend any provisions of, or renew any contract, or intergovernmental
3.30 service agreement, or any other agreement to house or detain individuals for civil immigration
3.31 enforcement purposes.

3.32 (b) A government unit, and the unit's personnel, shall:

4.1 (1) terminate any contract, agreement, or intergovernmental service agreement that is
4.2 utilized to house or detain any person for civil immigration enforcement purposes no later
4.3 than

4.4 (2) terminate any provision of an existing contract, agreement, or intergovernmental
4.5 service agreement that applies to the housing or detention of any person for civil immigration
4.6 enforcement purposes by;

4.7 (3) amend contracts, agreements, and policies that allow for the dissemination,
4.8 distribution, and sharing of data and information collected by government units to private
4.9 entities or persons to include restrictions against the reselling, dissemination, or redistribution
4.10 of that data to federal immigration authorities or for the purpose of civil immigration
4.11 enforcement. No data or information may be disseminated, distributed, or shared under any
4.12 agreement that does not contain restrictions as required under this clause;

4.13 (4) ensure that data or information collected by government units may not be shared
4.14 with a person or private entity without a written certification that the information will not
4.15 be used for civil immigration enforcement, or resold or redistributed to federal immigration
4.16 authorities. This clause does not apply to data or information shared with the person who
4.17 is the subject of the data or information; and

4.18 (5) create written policies in coordination with the Office of New Americans to ensure
4.19 that:

4.20 (i) government personnel will comply with the obligations outlined in this section; and

4.21 (ii) access to any state or local programs or benefits will not be unduly restricted based
4.22 on immigration or citizenship status unless required by federal or state law.

4.23 Subd. 4. **Public safety agency restrictions.** (a) A public safety agency and the agency's
4.24 personnel shall not:

4.25 (1) comply with a detainer, hold, notification, civil immigrant warrant, or transfer request
4.26 from federal immigration authorities;

4.27 (2) make, assist in, or participate in any civil immigration enforcement operations,
4.28 including conducting an arrest or detention of any individual for the purpose of enforcing
4.29 civil immigration law, or the establishment of traffic perimeters or road checkpoints for
4.30 federal immigration authorities;

4.31 (3) apply for or receive federal funds, or participate in a program or effort, with the
4.32 purpose of using government personnel to assist or otherwise participate in civil immigration

5.1 enforcement activities, whether pursuant to United States Code, title 8, section 1357(g), or
5.2 any other formal or informal law, regulation, policy, or request;

5.3 (4) investigate, arrest, stop, or detain a person on the basis of a suspected civil
5.4 immigration violation, including but not limited to inquiries into a person's citizenship,
5.5 immigration status, or birth place, unless relevant to the investigation of a state crime, or
5.6 required to fulfill consular notification requirements under treaty obligations;

5.7 (5) ask for or use federal immigration authorities for language assistance during a traffic
5.8 stop or law enforcement encounter;

5.9 (6) provide facilities, personnel, assistance, or other access beyond what is provided to
5.10 the general public to federal immigration authorities to investigate, interview, or question
5.11 for the purpose of civil immigration enforcement a person who is detained or otherwise in
5.12 the care of a public service agency;

5.13 (7) provide access to a database or data that a public safety agency has access to, whether
5.14 or not owned or controlled by a governmental unit, to federal immigration authorities without
5.15 a judicial warrant unless otherwise required by state or federal law;

5.16 (8) transfer care or control of a person within the custody of a public safety agency to
5.17 federal immigration authorities for the purpose of civil immigration enforcement without
5.18 a judicial warrant;

5.19 (9) notify or provide information to federal immigration authorities of an individual's
5.20 pending release from a public safety agency's control, court dates, or any information about
5.21 an individual, including but not limited to address information, vehicle registry information,
5.22 or other data collected by a government unit, unless required by a judicial warrant, or state
5.23 or federal law; this restriction does not apply to a request to complete Form I-918 Supplement
5.24 B, U Nonimmigrant Status Certification, Form I-914 Supplement B, Declaration of Law
5.25 Enforcement Officer for Victim of Trafficking in Persons, Form I-854 Inter-Agency Alien
5.26 Witness and Informant Record, or other request for documentation from a noncitizen victim
5.27 of a crime;

5.28 (10) deny access to a program or benefit relating to work release, including but not
5.29 limited to the challenge program under section 244.17, or any other program that provides
5.30 release from detention, because of the existence of a detainer or civil immigration warrant,
5.31 or other notifications from federal immigration authorities; and

6.1 (1) participate in, or provide access or assistance to, a federal immigration authority to
6.2 conduct civil immigration enforcement activities at state courthouses, hospitals, health care
6.3 clinics, churches or other places of worship, or schools, without a judicial warrant.

6.4 (b) A public safety agency shall:

6.5 (1) in coordination with the Office of New Americans, create or amend written policies
6.6 that reflect the policies listed in this section;

6.7 (2) provide written notifications to anyone who is the subject of a data request or other
6.8 inquiry by a federal immigration authority, informing them that they were the subject of an
6.9 inquiry or request and what action if any the public safety agency took in response to the
6.10 request or inquiry;

6.11 (3) submit a report annually to the attorney general and Office of New Americans
6.12 disclosing any requests from the United States Department of Homeland Security, including
6.13 but not limited to Immigration and Customs and Enforcement, with respect to participation,
6.14 support, or assistance in any immigration agent's civil enforcement operation, and any
6.15 documentation regarding how the request was addressed, provided that if an agency does
6.16 not receive a request during a reporting period, the agency shall certify and report that it
6.17 received no requests;

6.18 (4) create policies in coordination with government units to ensure that all state and local
6.19 government offices, public schools, hospitals, and courthouses remain safe and accessible
6.20 to all Minnesota residents, regardless of immigration or citizenship status; and

6.21 (5) ensure compliance with all treaty obligations, including consular notification, and
6.22 state and federal laws, by explaining to any individual committed into the custody or detained
6.23 by the public safety agency in writing, with interpretation into another language if requested:

6.24 (i) the individual's right to refuse to disclose the individual's nationality, citizenship,
6.25 country of birth, or immigration status; and

6.26 (ii) that disclosure of the individual's nationality, citizenship, country of birth, or
6.27 immigration status may result in civil or criminal immigration enforcement, including
6.28 removal from the United States.

6.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.30 Sec. 2. **[629.81] VIOLATIONS.**

6.31 Subdivision 1. **Reporting; investigation.** The Office of the Attorney General shall
6.32 establish a system for the public and state and local employees to report alleged violations

7.1 of section 629.80. At a minimum, the system shall include a telephone hotline, electronic
 7.2 complaint portal, and written complaint process that is accessible in multiple languages and
 7.3 advertised to communities most likely to be affected by immigration enforcement and
 7.4 deportation activities. Upon receiving a report of an alleged violation of section 629.80, the
 7.5 office must coordinate the investigation of the alleged violation and notify any individual
 7.6 who has been affected by the alleged violation. On a semiannual basis, the office shall issue
 7.7 a public report containing aggregate information regarding any alleged violations, including
 7.8 but not limited to:

- 7.9 (1) the number of alleged violations reported;
 7.10 (2) the type of alleged violation;
 7.11 (3) the agency from which the alleged violation originated;
 7.12 (4) the ultimate conclusion as to whether the alleged violation was founded; and
 7.13 (5) the remedial and disciplinary actions taken in response to any founded violations.

7.14 Subd. 2. **Employment misconduct.** A violation of section 629.80 may be considered
 7.15 employment misconduct by an employer.

7.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.17 Sec. 3. **[629.82] ENFORCEMENT ACTIONS.**

7.18 Subdivision 1. **Entities that may enforce this section.** The following people and entities
 7.19 may seek relief for a violation of this section and sections 629.80 and 629.81 by starting an
 7.20 action in state district court:

- 7.21 (1) an agency or instrumentality of the state;
 7.22 (2) a political subdivision of the state, or any agency or instrumentality of a political
 7.23 subdivision of the state;
 7.24 (3) an individual who has suffered injury due to a violation of this section and sections
 7.25 629.80 and 629.81, or that individual's family member or domestic partner; and
 7.26 (4) an organization or other entity in the state which, as a primary part of its mission,
 7.27 assists, represents, advocates for, or otherwise serves Minnesota residents who are not
 7.28 United States citizens.

7.29 Subd. 2. **Definition.** For the purposes of this section, "injury" means having an
 7.30 individual's information or data shared in violation of section 629.80, subdivisions 3 and

8.1 4; being subject to civil immigration enforcement after a violation of this section or sections
8.2 629.80 and 629.81; or any other harm suffered as a result of a violation of these sections.

8.3 Subd. 3. **Defendants** The party bringing the enforcement action may sue any person or
8.4 entity that has violated this section and sections 629.80 and 629.81, including but not limited
8.5 to the certification provisions in section 629.80, subdivision 3.

8.6 Subd. 4. **Relief.** The court may award the following forms of relief:

8.7 (1) to all enforcing parties:

8.8 (i) preliminary and equitable relief, including injunctions, as the court determines to be
8.9 needed in order to correct or prevent further violations; and

8.10 (ii) reasonable attorney fees and other litigation costs reasonably incurred; and

8.11 (2) to the parties identified in subdivision 1, clause (3):

8.12 (i) actual damages, or liquidated damages of \$1,000 per violation, whichever is greater;

8.13 and

8.14 (ii) punitive damages upon proof of knowing, or reckless disregard of the law.

8.15 Subd. 5. **Nonrestriction of other rights.** Nothing in this section restricts the right of a
8.16 person or class of persons to seek enforcement of this section and sections 629.80 and 629.81
8.17 under any other statute or common law, or to seek any other form of relief.

8.18 **EFFECTIVE DATE.** Subdivision 4, clause (2), is effective August 1, 2024, and applies
8.19 for one year from the date of final enactment or the date on which a written policy has been
8.20 implemented in compliance with Minnesota Statutes, section 629.80, subdivisions 3,
8.21 paragraph (b), clause (4), and 4, paragraph (b), clause (1), whichever occurs first.

8.22 Sec. 4. **REPEALER.**

8.23 Minnesota Statutes 2022, sections 631.50; and 631.51, are repealed.

631.50 ALIEN INMATES OR MENTALLY ILL PERSONS; NOTICE TO UNITED STATES IMMIGRATION OFFICERS.

When a person who is convicted of a felony or is found to be a person who is mentally ill is committed to the Minnesota Correctional Facility-Stillwater, the Minnesota Correctional Facility-St. Cloud, the county jail, or any other state or county institution which is supported, wholly or in part, by public funds, the chief executive officer, sheriff, or other officer in charge of the state or county institution shall at once inquire into the nationality of the person. If it appears that the person is an alien, the officer shall immediately notify the United States immigration officer in charge of the district in which the correctional facility, jail, or other institution is located of (1) the date of and the reasons for the alien commitment, (2) the length of time for which committed, (3) the country of which the alien is a citizen, and (4) the date on which and the port at which the alien last entered the United States.

631.51 CERTIFIED COPIES OF INDICTMENT OR COMPLAINT FURNISHED TO IMMIGRATION OFFICERS.

Upon the official request of a United States immigration officer to a court committing an alien after conviction of a felony, the court administrator of the committing court shall furnish the officer without charge a certified copy of the complaint or indictment, the judgment, sentence, and any other record pertaining to the case of the convicted alien if:

(1) the immigration officer is in charge of the district or territory in which the court is located; and

(2) the state or county institution is supported, in whole or in part, by public funds.