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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2860

03/13/2023 Authored by Feist, Pérez-Vega, Gomez, Sencer-Mura, Greenman and others
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; making Minnesota a sanctuary state for immigration
1.3 enforcement purposes; restricting state and local officials from cooperating with
1.4 federal immigration enforcement efforts; proposing coding for new law in
1.5 Minnesota Statutes, chapter 629.

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

1.7 Section 1. [629.80] FEDERAL 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 warrant" means a warrant for a violation of federal civil
1.12 immigration law not issued by a United States District Court judge. The term includes but
1.13 is not limited to a civil immigration warrant entered in the National Crime Information
1.14 Center database.

1.15 (c) "Federal immigration authority" means an officer, employee, or other person paid
1.16 by or acting as an agent of United States Immigration and Customs Enforcement, United
1.17 States Department of Homeland Security, United States Marshals Service, United States
1.18 Customs and Border Patrol, or any other federal agency that is charged with immigration
1.19 enforcement.

1.20 (d) "Government agent" means an agent or employee of the state of Minnesota or a local
1.21 unit of government of the state of Minnesota. The term includes, but is not limited to:

1.22 (1) an agent or employee of a police or security department of a public primary school,
1.23 a public secondary school, or a public institution of higher education;

2.1 (2) a teacher, professor, staff member, or employee at a public primary or secondary  
2.2 school, or public college or university;

2.3 (3) an employee or agent of a publicly owned health care facility or a health care  
2.4 professional under contract with a facility;

2.5 (4) a peace officer, as defined in section 626.84, subdivision 1;

2.6 (5) an agent or employee of a law enforcement agency; and

2.7 (6) an agent or employee of a court of the state of Minnesota or a local government unit  
2.8 of the state of Minnesota.

2.9 (e) "Immigration enforcement" includes all efforts to investigate, arrest, enforce, or assist  
2.10 in the investigation or arrest or enforcement of federal civil immigration law, including but  
2.11 not limited to violations of United States Code, title 8, sections 1253, 1324(c), 1325, and  
2.12 1326.

2.13 (f) "Judicial warrant" means a warrant based upon probable cause issued by a federal  
2.14 judge or federal magistrate judge that authorizes federal immigration authorities to take into  
2.15 custody the person who is the subject of the warrant.

2.16 (g) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1,  
2.17 and also includes a correctional facility as defined in section 241.021, subdivision 1, the  
2.18 Departments of Corrections and Public Safety, and local corrections agencies.

2.19 Subd. 2. **Prohibited actions.** (a) A government agent shall not, for immigration  
2.20 enforcement purposes:

2.21 (1) apply for or receive any federal funds that requires increased information sharing  
2.22 for immigration enforcement purposes between federal, state, and local law enforcement,  
2.23 or that requires any type of immigration enforcement action on the part of a government  
2.24 agent;

2.25 (2) stop, question, investigate, detain, detect, report, or arrest a person;

2.26 (3) respond to a hold, notification, civil immigration warrant, or transfer request from  
2.27 federal immigration authorities, including but not limited to a detainer request made by  
2.28 United States Immigration and Customs Enforcement;

2.29 (4) disclose not public data, as defined in section 13.02, subdivision 8a, except pursuant  
2.30 to a valid search warrant or court order;

2.31 (5) make an arrest based on a civil immigration warrant;

3.1 (6) give federal immigration authorities access to interview a person in law enforcement  
3.2 agency custody or otherwise under the jurisdiction, care, or supervision of the agent;

3.3 (7) perform the functions of an immigration officer, whether pursuant to United States  
3.4 Code, title 8, section 1357(g), or any other formal or informal law, regulation, policy, or  
3.5 request; and

3.6 (8) support or assist in civil immigration enforcement operations, including the  
3.7 establishment of traffic perimeters.

3.8 (b) A law enforcement official shall not stop, arrest, search, or detain an individual to:

3.9 (1) investigate a suspected immigration violation; or

3.10 (2) inquire about immigration or citizenship status or place of birth of an arrestee or  
3.11 victim of a crime.

3.12 (c) A government agent or nongovernmental organization that receives funding from  
3.13 the state of Minnesota or a local unit of government of the state of Minnesota shall not:

3.14 (1) use governmental funds, facilities, property, equipment, or personnel to investigate,  
3.15 enforce, or assist in the investigation or enforcement of any federal program requiring  
3.16 registration of individuals on the basis of race, gender, sexual orientation, religion, or national  
3.17 or ethnic origin;

3.18 (2) make a governmental database available, in whole or in part, to any person or entity  
3.19 for the purpose of immigration enforcement or investigation or enforcement of any federal  
3.20 program requiring registration of individuals on the basis of race, gender, sexual orientation,  
3.21 religion, immigration status, or national or ethnic origin; or

3.22 (3) participate in any manner in the creation or maintenance of a registry described in  
3.23 clause (1) or (2).

3.24 (d) A law enforcement agency shall not place a law enforcement officer under the  
3.25 supervision of a federal agency or employ a law enforcement officer deputized as a special  
3.26 federal officer or special federal deputy for immigration enforcement purposes, including  
3.27 under Immigration and Naturalization Act Section 287(g).

3.28 (e) A government agent shall not, at the request of any federal authority, without a  
3.29 judicial warrant:

3.30 (1) transfer an individual to any federal authority for purposes of immigration  
3.31 enforcement;

3.32 (2) detain an individual; or

4.1 (3) notify any federal authority of release information.

4.2 (f) A government agent shall not act contrary to the "Sensitive Locations" policy of  
4.3 Immigration and Customs Enforcement, or take any action against a religious organization  
4.4 based solely upon the religious, social, or political affiliation or beliefs of the organization.  
4.5 This paragraph does not apply to actions taken in response to duly enacted laws, rules, or  
4.6 executive orders.

4.7 (g) A government agent shall not discriminate or take adverse action against a person  
4.8 based on the person's immigration status or at the direction of an agent of the federal  
4.9 government, unless the action is specifically required by state law.

4.10 (h) A government agent may not inquire into the immigration status of a person the  
4.11 agent encounters or interacts with.

4.12 Subd. 3. **Policies required.** (a) By December 31, 2023, the commissioner of public  
4.13 safety, in consultation with appropriate stakeholders, shall adopt and disseminate model  
4.14 policies consistent with this section and sections 629.81 to 629.83 to ensure that all Minnesota  
4.15 state and local government offices, public schools, hospitals, and courthouses remain safe  
4.16 and accessible to all Minnesota residents, regardless of immigration status.

4.17 (b) By December 31, 2023, all government offices, public schools, hospitals, and  
4.18 courthouses shall establish and publish policies that prohibit immigration enforcement on  
4.19 their premises consistent with this section and sections 629.81 to 629.83 and to the fullest  
4.20 extent possible consistent with federal and state law.

4.21 Subd. 4. **Exceptions.** Nothing in this section prevents a government agent from:

4.22 (1) responding to a request from federal immigration authorities for information about  
4.23 a specific person's criminal record when allowed by state law or a lawful subpoena;

4.24 (2) sending to or receiving from any local, state, or federal agency information regarding  
4.25 the citizenship or immigration status, lawful or unlawful, of an individual pursuant to United  
4.26 States Code, title 8, sections 1373 and 1644; or

4.27 (3) responding to a request to complete Form I-918, Supplement B, U Nonimmigrant  
4.28 Status Certification; Form I-914, Supplement B, Declaration of Law Enforcement Officer  
4.29 for Victim of Trafficking in Persons; I-854 Inter-Agency Alien Witness and Informant  
4.30 Record; or any other request for documentation from a noncitizen victim of a crime.

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

5.1 Sec. 2. **[629.81] AGENCY REVIEW OF POLICIES.**

5.2 To ensure that eligible individuals are not deterred from seeking services or engaging  
5.3 with state agencies, all state agencies shall review their confidentiality policies. This review  
5.4 must identify any changes necessary to ensure that information collected from individuals:

5.5 (1) is limited to that which is necessary to perform agency duties; and

5.6 (2) is not used or disclosed for:

5.7 (i) inquiries into immigration status unless required by federal law or necessary to make  
5.8 a determination of eligibility; or

5.9 (ii) any other unauthorized purpose.

5.10 Any necessary changes to those policies shall be made as expeditiously as possible, consistent  
5.11 with agency or department procedures.

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

5.13 Sec. 3. **[629.82] EXISTING AGREEMENTS VOID.**

5.14 Any existing agreement that allows access to any information in a state or local database  
5.15 and that conflicts with section 629.80 is void.

5.16 Sec. 4. **[629.83] VIOLATIONS.**

5.17 Subdivision 1. **Reporting; investigation.** The Attorney General's Office shall establish  
5.18 a system for the public and state and local employees to report alleged violations of this  
5.19 section and sections 629.80 to 629.82. At a minimum, the system shall include a telephone  
5.20 hotline, electronic complaint portal, and written complaint process that is accessible in  
5.21 multiple languages and advertised to communities most likely to be affected by immigration  
5.22 enforcement and deportation activities. Upon receiving a report of an alleged violation of  
5.23 this section and sections 629.80 to 629.82, the Attorney General's Office must coordinate  
5.24 the investigation of the alleged violation and notify any individual who has been affected  
5.25 by the alleged violation. On a semiannual basis, the Attorney General's Office shall issue  
5.26 a public report containing aggregate information regarding any alleged violations, including  
5.27 but not limited to:

5.28 (1) the number of alleged violations reported;

5.29 (2) the type of alleged violation;

5.30 (3) the agency from which the alleged violation originated;

6.1 (4) the ultimate conclusion as to whether the alleged violation was founded; and

6.2 (5) the remedial and disciplinary actions taken in response to any founded violations.

6.3 Subd. 2. **Employment misconduct.** A violation of this section and sections 629.80 to

6.4 629.82 may be considered employment misconduct by an employer.

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