

**AS PASSED SENATE**

**SENATE SUBSTITUTE TO HB 1105**

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 17 of Official Code of Georgia Annotated, relating to criminal procedure, so  
2 as to authorize immigration status verification prior to issuance of citation in lieu of arrest  
3 for certain offenses; to provide for and revise definitions; to provide for acceptable  
4 documentation for purposes of attempting to verify immigration status; to amend Chapter 1  
5 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions for law  
6 enforcement officers and agencies, so as to require local agencies to seek memorandums of  
7 understanding and agreement relative to assisting federal agencies with immigration laws;  
8 to provide for penalties; to amend Code Section 36-80-23 of the Official Code of Georgia  
9 Annotated, relating to prohibition on immigration sanctuary policies by local governmental  
10 entities and certification of compliance, so as to provide for penalties relating to local  
11 immigration sanctuary policies; to revise definitions; to amend Title 42 of the Official Code  
12 of Georgia Annotated, relating to penal institutions, so as to provide for reporting of certain  
13 information on inmates in custody of the Department of Corrections; to require custodial  
14 authorities to honor immigration detainer notices; to provide for definitions; to provide for  
15 standard procedures for intake of persons into a county jail or municipal detention facility;  
16 to provide for required documentation; to provide for contact to certain federal agencies in  
17 certain instances; to provide for penalties; to provide for quarterly reports regarding  
18 foreign-born inmates in county jail or municipal detention facility; to provide for violation

19 and penalties; to amend Article 1 of Chapter 15 of Title 45 of the Official Code of Georgia  
20 Annotated, relating to general provisions relative to the Attorney General, so as to provide  
21 for prosecutorial and investigative authority in certain instances; to amend Chapter 36 of  
22 Title 50 of the Official Code of Georgia Annotated, relating to verification of lawful presence  
23 within United States, so as to revise required annual reporting requirements for agencies and  
24 political subdivisions; to require the Department of Audits and Accounts to review and audit  
25 such reports; to amend Chapter 3 of Title 35 of the Official Code of Georgia Annotated,  
26 relating to DNA sampling, collection, and analysis, so as to require DNA collection of  
27 certain convicted persons in custody subject to an immigration detainer notice; to provide for  
28 related matters; to provide for a short title; to provide for legislative intent; to provide for  
29 effective dates; to repeal conflicting laws; and for other purposes.

30 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

31 **SECTION 1.**

32 This Act shall be known and may be cited as the "Georgia Criminal Alien Track and Report  
33 Act of 2024."

34 **SECTION 2.**

35 (1) The provisions of this Act relating immigration terminology and definitions shall be  
36 construed to have the same meanings as provided under federal immigration law.

37 (2) The provisions of this Act shall be implemented in a manner consistent with federal laws  
38 governing immigration and civil rights.

39 (3) The Georgia General Assembly implores the State Board of Pardons and Paroles to not  
40 release any illegal alien from confinement prior to completion of his or her sentence unless  
41 such board is assured that federal immigration authorities will deport such illegal alien upon  
42 release.

43

**SECTION 3.**

44 Title 17 of Official Code of Georgia Annotated, relating to criminal procedure, is amended  
45 in Code Section 17-4-23, relating to procedure for arrests by citation for motor vehicle  
46 violations, issuance of warrants for arrest for failure of persons charged to appear in court,  
47 and bond, by revising paragraph (2) of subsection (a) as follows:

48 "(2) A law enforcement officer may arrest a person 18 years of age or older accused of  
49 any misdemeanor violation of Code Section 16-7-21, 16-8-14, 16-8-14.1, or 16-13-30 by  
50 the issuance of a citation, provided that such offense is committed in his or her presence  
51 or information constituting a basis for such arrest was received by the arresting officer  
52 or an investigating officer from another law enforcement officer or other individual  
53 observing or aware of such offense being committed. When an arrest is made for such  
54 offense, prior to releasing the accused on citation, the arresting law enforcement officer  
55 shall review the accused's criminal record as such is on file with the Federal Bureau of  
56 Investigation and the Georgia Crime Information Center within the Georgia Bureau of  
57 Investigation ~~and~~, ensure that the accused's fingerprints are obtained, and shall seek to  
58 verify the immigration status of the accused pursuant to Code Section 17-5-100."

59

**SECTION 4.**

60 Said title is further amended in Code Section 17-5-100, relating to investigation of illegal  
61 alien status, by revising paragraph (2) of subsection (a) and subsection (b) as follows:

62 "(2) 'Illegal alien' means a person who is verified by the federal government to be present  
63 in the United States in violation of the federal ~~immigration law~~ Immigration and  
64 Nationality Act."

65 "(b) Except as provided in subsection (f) of this Code section, during any investigation of  
66 a criminal suspect by a peace officer, when such officer has probable cause to believe that  
67 a suspect has committed a criminal violation, the officer shall ~~be authorized to~~ seek to

68 verify such suspect's immigration status when the suspect is unable to provide one of the  
69 following:

- 70 (1) A secure and verifiable document as defined in Code Section 50-36-2;  
71 (2) A valid Georgia driver's license;  
72 (3) A valid Georgia identification card issued by the Department of Driver Services;  
73 (4) If the entity requires proof of legal presence in the United States before issuance as  
74 evidenced by inclusion in the list compiled by the State Law Department pursuant to  
75 paragraph (5) of subsection (b) of Code Section 13-10-91, any valid driver's license from  
76 a state or district of the United States or any valid identification document issued by the  
77 United States federal government;  
78 (5) A document used in compliance with paragraph (2) of subsection (a) of Code Section  
79 40-5-21; ~~or~~  
80 (6) A document set forth in subsection (d) of Code Section 42-4-14; or  
81 (7) Other information as to the suspect's identity that is sufficient to allow the peace  
82 officer to independently identify the suspect."

83

#### SECTION 5.

84 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general  
85 provisions for law enforcement officers and agencies, is amended by revising Code  
86 Section 35-1-17, relating to local law enforcement agencies to enter into agreements with  
87 federal agencies for the enforcement of immigration laws, as follows:

88 "35-1-17.

- 89 (a) **Legislative intent.** It is the intent of the General Assembly to ~~encourage~~ promote  
90 compliance with state law related to deterring the presence of criminal illegal aliens and  
91 require Georgia law enforcement officials to work in conjunction with federal immigration  
92 authorities and to utilize all resources made available by the federal government to assist

93 state and local law enforcement officers in the enforcement of the ~~immigration~~ laws of this  
94 state and of the United States.

95 **(b) Cooperation with federal authorities.**

96 (1) To the extent authorized by federal law, state and local government employees,  
97 including law enforcement officers and prosecuting attorneys, shall ~~be authorized to send,~~  
98 receive, and maintain information relating to the immigration status of any individual as  
99 reasonably needed for public safety purposes. Except as provided by federal law, such  
100 employees shall not be prohibited from receiving or maintaining information relating to  
101 the immigration status of any individual or sending or exchanging such information with  
102 other federal, state, or local governmental entities or employees for official public safety  
103 purposes;

104 (2) State and local agencies shall promote compliance with state law related to deterring  
105 the presence of criminal illegal aliens and shall be authorized to enter into memorandums  
106 of understanding and ~~agreements~~ memorandums of agreement with the United States  
107 Department of Justice, the Department of Homeland Security, or any other federal agency  
108 for the purpose of enforcing federal immigration ~~and customs laws and the detention,~~  
109 ~~removal, and investigation of illegal aliens and the immigration status of any person in~~  
110 ~~this state. A peace officer acting within the scope of his or her authority under any such~~  
111 ~~memorandum of understanding, agreement, or other authorization from the federal~~  
112 ~~government shall have the power to arrest, with probable cause, any person suspected of~~  
113 ~~being an illegal alien.~~ laws, including 287(g) of the Illegal Immigration Reform and  
114 Immigrant Responsibility Act of 1996 or a similar federal program. A local agency shall  
115 seek such memorandums of understanding annually when no current memorandum of  
116 agreement is in effect;

117 (3) Except as provided by federal law, no state or local agency or department shall be  
118 prohibited from utilizing available federal resources, including data bases, equipment,

119 grant funds, training, or participation in incentive programs for any public safety purpose  
120 related to the enforcement of state and federal immigration laws; and

121 (4) When reasonably possible, applicable state agencies shall consider incentive  
122 programs and grant funding for the purpose of assisting and encouraging state and local  
123 agencies and departments to enter into agreements with federal entities and to utilize  
124 federal resources consistent with the provisions of this Code section.

125 (c) **Authority to transport illegal aliens.** If a state or local law enforcement officer has  
126 verification that a person is an illegal alien, then such officer shall be authorized to securely  
127 transport such illegal alien to a federal facility in this state or to any other temporary point  
128 of detention and to reasonably detain such illegal alien when authorized by a federal law  
129 immigration detainer or federal arrest warrant. Nothing in this Code section shall be  
130 construed to hinder or prevent a peace officer or law enforcement agency from arresting  
131 or detaining any criminal suspect on other criminal charges.

132 (d) **Authority to arrest illegal aliens.** When authorized by federal law, a state or local  
133 law enforcement officer shall be authorized to arrest any person based on such person's  
134 status as an illegal alien or for a violation of any federal immigration law.

135 (e) **Immunity.** A law enforcement officer or government official or employee, acting in  
136 good faith to enforce immigration laws pursuant to a memorandum or an agreement with  
137 federal authorities to collect or share immigration status information, or to carry out any  
138 provision of this Code section, shall have immunity from damages or liability from such  
139 actions.

140 (f) **Penalty.** A local governing body of a law enforcement agency that violates this Code  
141 section shall be subject to the withholding of state funding or state administered federal  
142 funding other than funds for the purposes of providing those services specified in  
143 subsection (d) of Code Section 50-36-1. As a condition of funding to a local governing  
144 body, the Department of Community Affairs, the Department of Transportation, or any  
145 other state agency that provides funding to local governing bodies shall require certification

146 pursuant to Code Section 50-36-4 as proof of compliance with this Code section. No  
147 county commission shall be subject to the withholding of state or federal funding pursuant  
148 to this subsection when a sheriff or his or her employee violates this Code section."

149

**SECTION 6.**

150 Code Section 36-80-23 of the Official Code of Georgia Annotated, relating to prohibition on  
151 immigration sanctuary policies by local governmental entities and certification of  
152 compliance, is amended by revising paragraphs (2), (4), and (6) of subsection (a) and by  
153 adding a new subsection to read as follows:

154 "(2) 'Immigration status' means the legality or illegality of an individual's presence in the  
155 United States as determined by the federal law Immigration and Nationality Act."

156 "(4) 'Local governing body' means any political subdivision of this state, including any  
157 county, consolidated government, municipality, authority, school district, commission,  
158 board, or any other local public body corporate, governmental unit, sheriff's office, law  
159 enforcement agency, or political subdivision."

160 "(6) 'Sanctuary policy' means any regulation, rule, policy, or practice adopted by a local  
161 governing body which prohibits or restricts local officials or employees from complying  
162 with an immigration detainer notice or communicating or cooperating with federal  
163 officials or law enforcement officers with regard to reporting immigration status  
164 information while such local official or employee is acting within the scope of his or her  
165 official duties."

166 "(e)(1) It shall be unlawful for any local official or employee to knowingly and willfully  
167 violate any provision of this Code section.

168 (2) A person convicted of a violation of this Code section shall be punished as for a  
169 misdemeanor. A person convicted of a second or subsequent violation of this Code  
170 section shall be punished as for a misdemeanor of a high and aggravated nature."

171

**SECTION 7.**

172 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended  
173 by adding a new Code section to read as follows:

174 "42-1-11.4.

175 The commissioner shall, on the official public website used by the department, publish a  
176 report of aggregate data on the immigration status, offenses, and home countries of inmates  
177 who are confined under the authority of the department who are not citizens of the United  
178 States and to whom the United States Immigration and Customs Enforcement Division of  
179 the Department of Homeland Security has issued immigration detainer notices as such term  
180 is defined in Code Section 42-4-16. Each report shall include the total number of inmates  
181 who are not citizens of the United States; provided, however, that any inmates who are  
182 citizens of both the United States and one or more other countries shall be designated as  
183 such as a separate category. Such report shall be first published on October 1, 2024, and  
184 every 90 days thereafter; provided, however, that if the ninetieth day falls on a state holiday  
185 or Saturday or Sunday, then such report shall be published the next business day."

186

**SECTION 8.**

187 Said title is further amended by adding a new Code section to read as follows:

188 "42-1-11.5.

189 (a) As used in this Code section, the term:

190 (1) 'Custodial authority' means the commissioner if a person is in physical custody at a  
191 penal institution, the sheriff if a person is in physical custody at a county jail, the warden  
192 if a person is in physical custody at county correctional institution, and the chief of police  
193 if a person is in physical custody at a municipal detention facility.

194 (2) 'Immigration detainer notice' means documentation issued by the federal government  
195 requesting that a custodial authority maintain temporary custody of an illegal alien as



196 such term is defined in Code Section 42-4-14, including a United States Department of  
197 Homeland Security Form I-247 document or a similar successor form.

198 (b) Any custodial authority who has custody of a person who is subject to an immigration  
199 detainer notice shall:

200 (1) Comply with, honor, and fulfill any request made in the immigration detainer notice;  
201 and

202 (2) Inform the person identified in the immigration detainer notice that the person is  
203 being held pursuant to such notice."

204 **SECTION 9.**

205 Said title is further amended by revising Code Section 42-4-14, relating to "illegal alien"  
206 defined and determination of nationality and verification of lawful admission of person  
207 confined in a jail facility, as follows:

208 "42-4-14.

209 (a) As used in this Code section, the term 'illegal alien' means a person who is verified by  
210 the federal government to be present in the United States in violation of the federal  
211 ~~immigration law~~ Immigration and Nationality Act.

212 (b) When any person is confined, for any period, in the jail of a county or a detention  
213 facility of a municipality or a jail operated by a regional jail authority in compliance with  
214 Article 36 of the Vienna Convention on Consular Relations, a reasonable effort shall be  
215 made within 48 hours of such person's arrival at the jail or detention facility and pursuant  
216 to subsection (c) or (d) of this Code section to determine the:

217 (1) The nationality of the person so confined; and

218 (2) That the person so confined is not an illegal alien.

219 ~~(c) When any foreign national is confined, for any period, in a county or municipal jail,~~  
220 ~~a reasonable effort shall be made to verify that such foreign national has been lawfully~~  
221 ~~admitted to the United States and if lawfully admitted, that such lawful status has not~~

222 ~~expired. If verification of lawful status cannot be made from documents in the possession~~  
223 ~~of the foreign national, verification shall be made within 48 hours through a query to the~~  
224 ~~Law Enforcement Support Center (LESC) of the United States Department of Homeland~~  
225 ~~Security or other office or agency designated by the federal government. If the foreign~~  
226 ~~national is determined to be an illegal alien, the keeper of the jail or other officer shall~~  
227 ~~notify the United States Department of Homeland Security, or other office or agency~~  
228 ~~designated for notification by the federal government.~~

229 (c) If a person to be admitted to a county jail or municipal detention facility claims to be  
230 a consular officer or diplomat, the jailer shall attempt to obtain such person's identification  
231 and, upon verification of such person's status as a consular officer or diplomat, provide for  
232 his or her immediate release. If a person who claims to be a consular officer or diplomat  
233 is unable to produce credentials which provide for verification of diplomatic status, a  
234 person in a supervisory role at such jail or detention facility shall contact the United States  
235 Department of State during normal business hours or the Command Center of the Office  
236 of Security of the United States Department of State outside of normal business hours to  
237 request verification of such person's status as a consular officer or of other diplomatic  
238 status.

239 (d)(1) Unless a person admitted to a county jail or municipal detention facility has been  
240 positively identified as a consular officer or diplomat, the county jail or municipal  
241 detention facility receiving the person for confinement shall attempt to verify lawful  
242 presence through presentation of a driver's license or identification card issued by this  
243 state or any state from the list compiled by the State Law Department pursuant to  
244 paragraph (5) of subsection (b) of Code Section 13-10-91 or one of the following:

245 (A) A Form I-94 Arrival/Departure Record issued by the United States Department of  
246 Homeland Security;

247 (B) A permanent resident alien card Form 551;

248 (C) A valid Nexus card;

249 (D) A valid global entry identification card issued by the United States Department of  
250 Homeland Security; or

251 (E) A valid passport indicating the person is a United States citizen, has been issued  
252 a visa, or is a citizen of a country participating in a visa waiver program administered  
253 by the United States Department of State.

254 (2) If a person fails to produce a document required by this subsection, or verification  
255 of the authenticity of any such document is necessary, a person in a supervisory role at  
256 the county jail or municipal detention facility shall contact the Law Enforcement Support  
257 Center (LESC) of the United States Department of Homeland Security or the Atlanta  
258 office of the United States Immigration and Customs Enforcement Division of the  
259 Department of Homeland Security for a determination of the person's lawful presence.  
260 If the LESC of the United States Department of Homeland Security responds to contact  
261 pursuant to this paragraph with a request to detain an illegal alien, he or she shall not be  
262 released within 48 hours of receipt of such request; provided, however, that if such person  
263 was released prior to such request to detain, such fact shall be communicated to the LESC  
264 of the United States Department of Homeland Security. Any response received pursuant  
265 to this paragraph which indicates an illegal alien is confined in a county jail or municipal  
266 detention facility shall be forwarded to the local United States Immigration and Customs  
267 Enforcement Division of the Department of Homeland Security.

268 (3) No person shall be detained solely due to the inability to contact the LESC of the  
269 United States Department of Homeland Security pursuant to the provisions of this  
270 subsection.

271 (4) No person identified as an illegal alien by the LESC of the United States Department  
272 of Homeland Security pursuant to this subsection shall be detained unless a request to  
273 detain has been received pursuant to paragraph (2) of this subsection.

274 (e) A county jail or municipal detention facility shall provide an interpreter for any person  
275 to be confined who is unable to effectively communicate or understand the requirements  
276 of this Code section.

277 (f) Each county jail or municipal detention facility shall maintain a record of all  
278 communications made pursuant to this Code section for any person taken into custody of  
279 such jail or detention facility.

280 ~~(d)~~(g) Nothing in this Code section shall be construed to deny a person bond or from being  
281 released from confinement when such person is otherwise eligible for release; provided,  
282 however, that, upon verification that any person confined in a county jail or municipal  
283 detention facility is an illegal alien, such person may be detained, arrested, and transported  
284 as authorized by state and federal law.

285 ~~(e) The Georgia Sheriffs Association shall prepare and issue guidelines and procedures~~  
286 ~~used to comply with the provisions of this Code section~~

287 (h)(1) It shall be unlawful for any jailer to knowingly and willfully violate any provision  
288 of this Code section.

289 (2) A person convicted of a violation of this Code section shall be punished as for a  
290 misdemeanor. A person convicted of a second or subsequent violation of this Code  
291 section shall be punished as for a misdemeanor of a high and aggravated nature."

292 **SECTION 10.**

293 Said title is further amended by adding a new Code section to read as follows:

294 "42-4-16.

295 (a) At least quarterly, an individual in a supervisory role at a county jail or municipal  
296 detention facility shall prepare and post on the public website of the local jurisdiction  
297 where his or her jail or detention facility is located, a report for his or her jail or detention  
298 facility which includes the following information for the most recent quarter:

- 299 (1) The total number of inmates booked into the county jail or municipal detention  
300 facility;
- 301 (2) The total number of inquiries made to the Law Enforcement Support Center (LESC)  
302 of the United States Department of Homeland Security or any other federal agency  
303 inquiring relating to the immigration status or prior arrests of foreign-born inmates;
- 304 (3) The total number of responses received for requests made by the county jail or  
305 municipal detention facility pursuant to paragraph (2) of this subsection;
- 306 (4) The total number of responses as provided for in paragraph (3) of this subsection that  
307 indicated a foreign-born inmate of the county jail or municipal detention facility is an  
308 illegal alien as such term is defined in Code Section 42-4-14;
- 309 (5) The number of immigration detainers issued by the United States Immigration and  
310 Customs Enforcement Division of the Department of Homeland Security for prisoners  
311 in the county jail or municipal detention facility; and
- 312 (6) A sworn affidavit signed by the individual in a supervisory role at the county jail or  
313 municipal detention facility verifying compliance with Code Section 42-4-14 and all  
314 other applicable law.
- 315 (b) Any person who knowingly and willfully makes a false, fictitious, or fraudulent  
316 statement of representation in a report required by this Code section shall be guilty of a  
317 violation of Code Section 16-10-20."

318

**SECTION 11.**

319 Article 1 of Chapter 15 of Title 45 of the Official Code of Georgia Annotated, relating to  
320 general provisions relative to the Attorney General, is amended by revising Code Section  
321 45-15-10, relating to Attorney General authorized to prosecute for violations while dealing  
322 with or for state, assistance by state court prosecuting officers, and commencement of civil  
323 forfeiture proceedings, as follows:

324 "45-15-10.

325 The Attorney General, as the head of the Department of Law and the chief legal officer of  
326 the state, is authorized to prosecute;

327 (1) Prosecute in the criminal courts of this state any official, person, firm, or corporation  
328 which violates any criminal statute while dealing with or for the state or any official,  
329 employee, department, agency, board, bureau, commission, institution, or appointee  
330 thereof; ~~and the Attorney General is authorized to call~~

331 (2) Call upon the district attorney or the prosecuting officer of any state court to assist  
332 in or to conduct such prosecution; and, when so requested by the Attorney General, it  
333 shall be the duty of any such district attorney or prosecuting officer of this state to assist  
334 in or to conduct such prosecution for and on behalf of the Attorney General and the state.

335 ~~The Attorney General shall be authorized to commence;~~

336 (3) Commence civil forfeiture proceedings, as such term is defined in Code  
337 Section 9-16-2, pursuant to Code Section 16-14-7 whenever he or she is authorized to  
338 prosecute a case pursuant to this Code section;

339 (4) Investigate and prosecute violations of Code Sections 36-80-23, 42-4-14, and  
340 42-4-16; and

341 (5) Investigate failure to comply with Code Sections 35-1-17, 42-1-11.4, 42-1-11.5, and  
342 50-36-4."

343 **SECTION 12.**

344 Chapter 36 of Title 50 of the Official Code of Georgia Annotated, relating to verification of  
345 lawful presence within United States, is amended by revising Code Section 50-36-4, relating  
346 to definitions and requiring agencies to submit annual immigration compliance reports, as  
347 follows:

348 "50-36-4.

349 (a) As used in this Code section, the term:

- 350 (1) 'Agency or political subdivision' means any department, agency, authority,  
351 commission, or governmental entity of this state or any subdivision of this state.
- 352 (2) 'Annual reporting period' means from December 1 of the preceding year through  
353 November 30 of the year in which the report is due.
- 354 (3) 'Contractor' shall have the same meaning as set forth in Code Section 13-10-90.
- 355 (4) 'Department' means the Department of Audits and Accounts.
- 356 (5) 'Physical performance of services' shall have the same meaning as set forth in Code  
357 Section 13-10-90.
- 358 (6) 'Public employer' shall have the same meaning as set forth in Code Section 13-10-90.
- 359 (b) Each agency, ~~sheriff's office, law enforcement agency,~~ or political subdivision subject  
360 to any of the requirements provided in Code Sections 13-10-91, 35-1-17, 36-60-6,  
361 36-80-23, 42-1-11.4, 42-1-11.5, 42-4-14, 42-4-16, and 50-36-1 shall submit an annual  
362 immigration compliance report to the department by December 31 that includes the  
363 information required under subsection (d) of this Code section for the annual reporting  
364 period. If an agency or political subdivision is exempt from any, but not all, of the  
365 provisions of subsection (d) of this Code section, it shall still be required to submit the  
366 annual report but shall indicate in the report which requirements from which it is exempt.
- 367 (c) The department shall create an immigration compliance reporting system and shall  
368 provide technical support for the submission of such reports. The department shall further  
369 provide annual notification of such reports with submission instructions to all agencies and  
370 political subdivisions subject to such requirements. The department shall be authorized to  
371 implement policy as is needed to carry out the requirements of this subsection.
- 372 (d) The immigration compliance report provided for in subsection (b) of this Code section  
373 shall contain the following:
- 374 (1) The agency or political subdivision's federal work authorization program verification  
375 user number and date of authorization;

- 376 (2) The legal name, address, and federal work authorization program user number of  
377 every contractor that has entered into a contract for the physical performance of services  
378 with a public employer as required under Code Section 13-10-91 during the annual  
379 reporting period;
- 380 (3) The date of the contract for the physical performance of services between the  
381 contractor and public employer as required under Code Section 13-10-91;
- 382 (4) A listing of each license or certificate issued by a county or municipal corporation  
383 to private employers that are required to utilize the federal work authorization program  
384 under the provisions of Code Section 36-60-6 during the annual reporting period,  
385 including the name of the person and business issued a license and his or her federally  
386 assigned employment eligibility verification system user number as provided in the  
387 private employer affidavit submitted at the time of application;
- 388 (5)(A) A listing of each public benefit administered by the agency or political  
389 subdivision and a listing of each public benefit for which SAVE program authorization  
390 for verification has not been received.
- 391 (B) As used in this paragraph, the terms 'public benefit' and 'SAVE program' shall have  
392 the same meanings as set forth in Code Section 50-36-1; ~~and~~
- 393 (6) The agency or political subdivision's certificate of compliance with Code  
394 Section 36-80-23; and
- 395 (7) Where applicable, the agency, sheriff's office, law enforcement agency, or political  
396 subdivision's certificate of compliance with Code Sections 35-1-17, 42-4-11.4, 42-4-11.5,  
397 42-4-14, and 42-4-16.
- 398 (e) The department shall annually conduct random reviews of no less than 5 percent of the  
399 immigration compliance reports submitted pursuant to this Code section and shall make the  
400 determination of compliance pursuant to this Code section. In the event that the  
401 immigration compliance report submitted by an agency or political subdivision is found to  
402 be deficient by the department, so long as a new immigration compliance report is



403 submitted with the prior deficiencies corrected and fully complies with this Code section,  
404 such agency or political subdivision shall be deemed to have satisfied the requirements of  
405 this Code section.

406 (f) Any action taken by an agency or a political subdivision for the purpose of complying  
407 with the requirements of this Code section shall not subject such agency or political  
408 subdivision to any civil liability arising from such action.

409 ~~(g) The department shall not find an agency or a political subdivision to be in violation of~~  
410 ~~this Code."~~

411 **SECTION 13.**

412 Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to DNA sampling,  
413 collection, and analysis, is amended by revising Code Section 35-3-160, relating to DNA  
414 analysis in felony convictions and certain felony charges and performance of tests, as  
415 follows:

416 "35-3-160.

417 (a) As used in this article, the term:

418 (1) 'Department' means the Department of Corrections.

419 (2) 'Detention facility' means a penal institution under the jurisdiction of the department,  
420 including penal institutions operated by a private company on behalf of the department,  
421 inmate work camps, inmate boot camps, probation detention centers, parole revocation  
422 centers, and county correctional facilities.

423 (3) 'Division' means the Division of Forensic Sciences of the Georgia Bureau of  
424 Investigation.

425 (b)(1) A sample of deoxyribonucleic acid (DNA) shall be collected by oral swab or other  
426 noninvasive procedure from any individual:

427 (A) Who has been convicted of a felony and is currently incarcerated in a detention  
428 facility, serving a probation sentence, or serving under the jurisdiction of the State  
429 Board of Pardons and Paroles for such felony; or

430 (B) Who has been charged with a felony, and sentence for such offense has been  
431 imposed pursuant to Article 3 of Chapter 8 of Title 42 or pursuant to subsection (a) or  
432 (c) of Code Section 16-13-2; or

433 (C) Who has been convicted of a felony and is subject to an immigration detainer  
434 notice as such term is defined in Code Section 42-4-16.

435 (2) Unless a DNA sample has already been collected by the department or another  
436 agency or entity, each DNA sample required by paragraph (1) of this subsection shall be  
437 collected by the detention facility which is detaining or the entity which is supervising  
438 such individual, and the sample shall be forwarded to the division.

439 (3) Paragraph (1) of this subsection shall not apply to any individual for a conviction for  
440 a misdemeanor, to any individual who is charged with a misdemeanor and the sentence  
441 for such misdemeanor is imposed pursuant to Article 3 of Chapter 8 of Title 42 regarding  
442 first offenders, or because he or she has been charged with a misdemeanor.

443 (c) DNA analysis shall be performed by the division. The division shall be authorized to  
444 contract with individuals or organizations for services to perform such analysis. The  
445 identifying characteristics of the profile resulting from the DNA analysis shall be stored  
446 and maintained by the bureau in a DNA data bank in accordance with Code  
447 Sections 35-3-162 and 35-3-163 and shall be made available only as provided in Code  
448 Section 35-3-163."

449 **SECTION 14.**

450 (a) Except as otherwise provided for in subsection (b) of this Section, this Act shall become  
451 effective upon approval by the Governor or upon becoming law without such approval.

452 (b) Section 10 of this Act shall become effective on December 31, 2024.

453

**SECTION 15.**

454 All laws and parts of laws in conflict with this Act are repealed.