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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **5071**

1.1 A bill for an act
1.2 relating to law enforcement; prohibiting immigration law enforcement
1.3 noncooperation ordinances and policies; providing for use of immigration-related
1.4 data; proposing coding for new law in Minnesota Statutes, chapters 13; 299A.

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

1.6 Section 1. **[13.021] IMMIGRATION DATA; PREEMPTION.**

1.7 (a) Notwithstanding any other state or local law, no government entity or responsible
1.8 authority within Minnesota may prohibit, or in any way restrict, any government entity,
1.9 responsible authority or designee, or other official from sending to, or receiving from, a
1.10 federal immigration agency or federal law enforcement officer, information regarding the
1.11 citizenship or immigration status, lawful or unlawful, of any individual for the purpose of
1.12 complying with, aiding, or assisting in the enforcement of federal immigration laws and
1.13 regulations.

1.14 (b) Notwithstanding any other state or local law, no person or government entity may
1.15 prohibit, or in any way restrict, a public employee from doing any of the following with
1.16 respect to data regarding the immigration status, lawful or unlawful, of any individual:

1.17 (1) sending the data to, or requesting or receiving the information from, a federal
1.18 immigration agency or federal law enforcement officer;

1.19 (2) maintaining the data; or

1.20 (3) exchanging the data with any other federal, state, or local government entity for the
1.21 purpose of complying with, aiding, or assisting in the enforcement of federal immigration
1.22 laws and regulations.

2.1 (c) When the attorney general or a county attorney has information providing a reasonable
 2.2 ground to believe that any person or government entity failed to comply with this section,
 2.3 the attorney general or a county attorney shall investigate those violations, or suspected
 2.4 violations, and apply to a district court, upon notice, and the court, on a showing by the
 2.5 attorney general of cause therefor, may issue such order as may be required to compel
 2.6 compliance with this section.

2.7 (d) For the purposes of this section, the following terms have the meanings given:

2.8 (1) "federal immigration agency" means the United States Department of Justice and
 2.9 the United States Department of Homeland Security, a division within such an agency,
 2.10 including United States Immigration and Customs Enforcement and United States Customs
 2.11 and Border Protection, any successor agency, and any other federal agency charged with
 2.12 the enforcement of immigration law; and

2.13 (2) "federal law enforcement officer" means any officer, agent, or employee of the United
 2.14 States authorized by law or by a government agency to engage in or supervise the prevention,
 2.15 detection, investigation, or prosecution of any violation of federal criminal law.

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

2.17 **Sec. 2. [299A.82] IMMIGRATION LAWS; NONCOOPERATION PROHIBITED.**

2.18 (a) For purposes of this section, the following terms have the meanings given:

2.19 (1) "criminal justice agency" has the meaning given in section 13.02, subdivision 3a;

2.20 (2) "federal immigration agency" means the United States Department of Justice and
 2.21 the United States Department of Homeland Security, a division within such an agency,
 2.22 including United States Immigration and Customs Enforcement and United States Customs
 2.23 and Border Protection, any successor agency, and any other federal agency charged with
 2.24 the enforcement of immigration law;

2.25 (3) "federal law enforcement officer" means any officer, agent, or employee of the United
 2.26 States authorized by law or by a government agency to engage in or supervise the prevention,
 2.27 detection, investigation, or prosecution of any violation of federal criminal law;

2.28 (4) "government entity" has the meaning given in section 13.02, subdivision 7a;

2.29 (5) "peace officer" has the meaning given in section 626.84, subdivision 1, paragraph
 2.30 (c);

2.31 (6) "person" has the meaning given in section 13.02, subdivision 10; and

3.1 (7) "political subdivision" has the meaning given in section 13.02, subdivision 11.

3.2 (b) Notwithstanding any other state or local law, no political subdivision, whether acting
3.3 through its governing body or by an initiative, referendum, or any other process, shall enact
3.4 any ordinance, regulation, or policy that limits or prohibits a criminal justice agency, peace
3.5 officer, or official or employee of the political subdivision from communicating or
3.6 cooperating with a federal immigration agency or federal law enforcement officer with
3.7 regard to (1) information concerning the immigration status of any person within Minnesota
3.8 for the purpose of complying with, aiding, or assisting in the enforcement of federal
3.9 immigration laws and regulations, or (2) the enforcement of federal immigration laws and
3.10 regulations.

3.11 (c) When the attorney general or a county attorney has information providing a reasonable
3.12 ground to believe that any person or government entity failed to comply with this section,
3.13 the attorney general or county attorney shall investigate those violations, or suspected
3.14 violations, and apply to a district court, upon notice, and the court, on a showing by the
3.15 attorney general of cause therefor, may issue such order as may be required to compel
3.16 compliance with this section.

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