
SENATE BILL NO. 223—SENATORS CANCELA, SEGERBLOM, FORD,
RATTI, DENIS; ATKINSON, MANENDO, PARKS, SPEARMAN
AND WOODHOUSE

FEBRUARY 27, 2017

JOINT SPONSORS: ASSEMBLYMEN BILBRAY-AXELROD,
BROOKS, JAUREGUI AND MONROE-MORENO

Referred to Committee on Judiciary

SUMMARY—Restricts certain state and local governmental agencies from performing certain actions relating to immigration enforcement. (BDR 14-626)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to criminal procedure; restricting certain state and local governmental agencies from performing certain actions relating to immigration enforcement; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill prohibits a state or local law enforcement agency, school police unit or
2 campus police department from: (1) using its resources to conduct certain activities
3 for the purposes of immigration enforcement, including, without limitation,
4 detaining a person for, or transferring custody of a person to, federal immigration
5 authorities and responding to certain other requests by, and providing assistance to,
6 those authorities except under certain circumstances; (2) making a database, or
7 information therein, of the agency, unit or department available to any person for
8 the purpose of immigration enforcement; and (3) with certain exceptions,
9 employing a peace officer who performs the functions of an immigration officer or
10 placing a peace officer under the supervision of a federal agency. This bill does not
11 prevent a state or local law enforcement agency, school police unit or campus
12 police department from responding to a request from federal immigration
13 authorities for information about a person’s criminal history.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 171 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *No state or local law enforcement agency, school police*
4 *unit or campus police department shall:*

5 (a) *Use money, facilities, property, equipment or personnel of*
6 *the agency, unit or department to investigate, interrogate, detain,*
7 *detect or arrest a person for the purposes of immigration*
8 *enforcement, including, without limitation:*

9 (1) *Inquiring into or collecting information about the*
10 *immigration status of a person.*

11 (2) *Detaining a person on the basis of a hold request,*
12 *except where there is an independent finding of probable cause.*

13 (3) *Responding to a notification request or transfer request.*

14 (4) *Providing or responding to a request for nonpublic*
15 *personal information about a person, including, without*
16 *limitation, information about the person's home address, work*
17 *address or date of release from custody.*

18 (5) *Making an arrest on the basis of a civil immigration*
19 *warrant, except where there is an independent finding of probable*
20 *cause.*

21 (6) *Giving a federal immigration authority access to*
22 *interview a person who is in custody, except pursuant to a judicial*
23 *warrant and, if the person is represented by counsel:*

24 (I) *Notice is provided to counsel; and*

25 (II) *Counsel is provided the opportunity to be present*
26 *during the interview.*

27 (7) *Assisting a federal immigration authority in the*
28 *activities described in 8 U.S.C. § 1357(a)(3).*

29 (8) *Performing the functions of an immigration officer,*
30 *whether pursuant to 8 U.S.C. § 1357(g) or any other law,*
31 *regulation or policy, whether formal or informal.*

32 (b) *Make any database of the agency, unit or department,*
33 *including a database which is maintained for the agency, unit or*
34 *department by a private vendor, or the information included*
35 *therein other than information regarding a person's citizenship or*
36 *immigration status, available to any person for the purpose of*
37 *immigration enforcement. A person who is provided access to that*
38 *database or information shall certify in writing that the database*
39 *or information, as applicable, will not be used except in*
40 *accordance with the provisions of this paragraph.*

41 (c) *Place a peace officer under the supervision of a federal*
42 *agency or employ a peace officer who performs the function of an*



1 *immigration officer pursuant to 8 U.S.C. § 1357(g), except to the*
2 *extent that the peace officer remains subject to the laws of this*
3 *State as they govern the conduct of peace officers and the policies*
4 *of the agency, unit or department which employs the peace officer.*

5 2. *Nothing in this section shall be construed to prevent any*
6 *state or local law enforcement agency, school police unit or*
7 *campus police department from responding to a request from a*
8 *federal immigration authority for information about a specific*
9 *person's prior criminal arrests or convictions where otherwise*
10 *allowed by the laws of this State.*

11 3. *Notwithstanding any other provision of law, no state or*
12 *local law enforcement agency, school police unit or campus police*
13 *department shall transfer the custody of a person to a federal*
14 *immigration authority for the purposes of immigration*
15 *enforcement or detain a person at the request of a federal*
16 *immigration authority for the purposes of immigration*
17 *enforcement without a warrant. This subsection does not limit the*
18 *prohibitions set forth in subsection 1.*

19 4. *As used in this section:*

20 (a) *"Campus police department" has the meaning ascribed to*
21 *it in NRS 179D.015.*

22 (b) *"Civil immigration warrant" means a warrant for a*
23 *violation of federal civil immigration law, including, without*
24 *limitation, a civil immigration warrant that is entered in a*
25 *database of the National Crime Information Center.*

26 (c) *"Federal immigration authority" means any officer,*
27 *employee or person who is paid by or acting as an agent of:*

28 (1) *The United States Immigration and Customs*
29 *Enforcement or any division thereof;*

30 (2) *The United States Customs and Border Protection or*
31 *any division thereof; or*

32 (3) *The United States Department of Homeland Security or*
33 *any other component thereof and is charged with immigration*
34 *enforcement.*

35 (d) *"Hold request" means a request by a federal immigration*
36 *authority that a state or local law enforcement agency, school*
37 *police unit or campus police department maintain custody of a*
38 *person who is in the custody of the agency, unit or department, as*
39 *applicable, beyond the time the person would otherwise be eligible*
40 *for release in order to facilitate the transfer of custody of the*
41 *person to the federal immigration authority and includes, without*
42 *limitation, Department of Homeland Security Form I-247D.*

43 (e) *"Immigration enforcement" includes, without limitation,*
44 *any and all efforts to investigate, enforce or assist in the*
45 *investigation of any federal civil or criminal immigration law that*



1 *penalizes a person's presence in, entry or reentry to, or*
2 *employment in the United States, including, without limitation, a*
3 *violation of 8 U.S.C. § 1253, 1324c, 1325 or 1326.*

4 *(f) "Independent finding of probable cause" means:*

5 *(1) A warrant which is based upon probable cause and*
6 *which is issued by a federal judge, federal magistrate judge or a*
7 *neutral and independent adjudicator; or*

8 *(2) A determination which is based upon clear and*
9 *convincing evidence and which is made by a neutral and*
10 *independent adjudicator,*

11 *↳ that authorizes a federal immigration authority to take into*
12 *custody the person who is the subject of the warrant or*
13 *determination, as applicable.*

14 *(g) "Judicial warrant" means a warrant which is based upon*
15 *probable cause and which is issued by a federal judge, a federal*
16 *magistrate judge or an equivalent officer in the judicial branch of*
17 *the Federal Government.*

18 *(h) "Notification request" means a request by a federal*
19 *immigration authority that a state or local law enforcement*
20 *agency, school police unit or campus police department inform the*
21 *requesting federal entity, in advance of the public, of the date and*
22 *time of release from the custody of the agency, unit or department,*
23 *as applicable, and includes, without limitation, Department of*
24 *Homeland Security Form I-247N.*

25 *(i) "Transfer request" means a request by a federal*
26 *immigration authority that a state or local law enforcement*
27 *agency, school police unit or campus police department facilitate*
28 *the transfer of custody of a person who is in the custody of the*
29 *agency, unit or department, as applicable, to the federal*
30 *immigration authority and includes, without limitation,*
31 *Department of Homeland Security Form I-247X.*

32 **Sec. 2.** Any agreement in existence on July 1, 2017, that
33 conflicts with the provisions of paragraph (b) of subsection 1 of
34 section 1 of this act is terminated on July 1, 2017.

35 **Sec. 3.** This act becomes effective on July 1, 2017.

