

HOUSE BILL 10

By Warner

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 7; Title 38; Title 39; Title 55 and Title 67,
relative to illegal immigration.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act is known and may be cited as "The Tennessee Illegal Immigration Act."

SECTION 2. Tennessee Code Annotated, Title 7, Chapter 68, is amended by adding the following as a new section:

(a) A law enforcement agency in custody of an individual known to be unlawfully present in the United States shall, as soon as practicable after taking custody of the individual, request an immigration detainer for the individual from the United States immigration and customs enforcement (ICE) division within the United States department of homeland security.

(b) If a law enforcement agency:

(1) Receives an immigration detainer for an individual requested under subsection (a), the agency shall maintain custody of the individual for the maximum period of time specified in the immigration detainer or until the individual is taken into custody by ICE, whichever occurs first; or

(2) Does not receive an immigration detainer requested under subsection (a) before the agency is required to release the individual from custody, or the individual is not taken into federal custody before the expiration of the time period specified in an immigration detainer, the agency shall provide transportation to the individual to a city with a sanctuary policy of the individual's choice that is

located outside of this state and that is within seven hundred (700) miles of the law enforcement agency at which the individual is in custody. After transferring the individual, the law enforcement agency shall record the actual costs of maintaining custody of the individual and transporting the individual to a city with a sanctuary policy.

(c) Each law enforcement agency shall report its actual costs recorded under subdivision (b)(2) for each calendar month to the department of revenue no later than the tenth day of each month. For each month subsequent to receiving such reported costs, the department of revenue shall:

(1) Request from the United States department of the treasury reimbursement for such reported costs; and

(2) If reimbursement is not received within thirty (30) days of the request, withhold from remittance to the federal highway administration on a month-to-month basis that portion of the federal motor fuel taxes collected in this state equal to the aggregate monthly actual costs reported by law enforcement agencies under this subsection (c). As used in this section, "federal motor fuel taxes" means the taxes on petroleum products imposed by title 26 of the United States Code and allocated by chapter 98 of that title to the federal highway trust fund (26 U.S.C. § 9503) and collected by this state pursuant to § 67-3-206.

(d) The department shall remit monthly to each law enforcement agency that portion of the federal reimbursement or withheld federal motor fuel taxes, as applicable, equal to the agency's monthly reported actual costs for detaining and transporting individuals unlawfully present in the United States.

SECTION 3. This act takes effect July 1, 2025, the public welfare requiring it.