

SB 71-FN - AS AMENDED BY THE SENATE

03/06/2025 0494s

2025 SESSION

25-0226

09/05

SENATE BILL **71-FN**

AN ACT relative to cooperation with federal immigration authorities.

SPONSORS: Sen. Gannon, Dist 23; Sen. Abbas, Dist 22; Sen. Avar, Dist 12; Sen. Birdsell, Dist 19; Sen. Gray, Dist 6; Sen. Innis, Dist 7; Sen. Lang, Dist 2; Sen. McConkey, Dist 3; Sen. Pearl, Dist 17; Sen. Rochefort, Dist 1; Sen. Sullivan, Dist 18; Sen. McGough, Dist 11; Sen. Murphy, Dist 16; Sen. Ricciardi, Dist 9; Rep. Khan, Rock. 30; Rep. Weyler, Rock. 14; Rep. Vose, Rock. 5; Rep. Litchfield, Rock. 32; Rep. L. Walsh, Rock. 15

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill provides that unless expressly prohibited by state or federal law, local governmental entities may not prohibit or impede any state or federal law enforcement agency from complying with federal immigration laws, and provides for remedies for violations. This bill further authorizes county corrections facilities to hold individuals subject to an Immigration and Customs Enforcement detention for up to 48 hours following the resolution of their state charges, excluding Saturdays, Sundays, and holidays, in order to permit assumption of custody by federal authorities, and requires any agency refusing to honor an immigration detainer for an inmate to report each such refusal to the attorney general.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears ~~in brackets and struckthrough.~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to cooperation with federal immigration authorities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Chapter; Anti-Sanctuary City Act. Amend RSA by inserting after chapter 106-O the
2 following new chapter:

3 CHAPTER 106-P

4 ANTI-SANCTUARY CITY ACT

5 106-P:1 Definitions. In this chapter:

6 I. "Law enforcement agency" means any agency charged with enforcement of state, county,
7 municipal, or federal laws or with managing custody of detained persons in this state and includes
8 municipal police departments, sheriff's offices, state police departments, state university and college
9 police departments, county correctional agencies, and the department of corrections.

10 II. "Local governmental entity" means any county, municipality, or other political
11 subdivision of this state.

12 106-P:2 Prohibition of Sanctuary Policies.

13 Except as otherwise expressly prohibited by state or federal law, local governmental entities may
14 not prohibit or impede any state or federal law enforcement agency from complying with title 8 of the
15 United States Code.

16 106-P:3 Enforcement.

17 I. Any local governmental entity that violates this chapter may be subject to action by the
18 attorney general, who may file suit against a local governmental entity in a court of competent
19 jurisdiction for a violation of this chapter. Relief for violations of this chapter shall be determined by
20 the court and may include injunctive relief and punitive damages. Punitive damages may include a
21 fine of up to 25 percent of the total state funds received by the local government entity in the fiscal
22 year when the violation occurred. Any fines collected for violations of this chapter shall be lapsed to
23 the general fund of the state of New Hampshire.

24 II. An order approving a consent decree or granting an injunction shall include written
25 findings of fact that describe with specificity the existence and nature of the sanctuary policy that
26 violates this chapter.

27 2 County Department of Corrections; Immigration Detainees. New Paragraph; County
28 Department of Corrections; Immigration Detainees. Amend RSA 30-B:1 by inserting after
29 paragraph II the following new paragraph:

30 III. A county may hold Immigration and Customs Enforcement detainees, after the
31 resolution of state charges, for a maximum of 48 hours, excluding Saturdays, Sundays, and holidays,

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1 in order to permit assumption of custody by federal authorities. Nothing in this paragraph shall
2 prohibit the county from executing an agreement in accordance with RSA 30-B:16. Any agency
3 refusing to honor an immigration detainer for an inmate shall report each such refusal to the
4 attorney general in a time, form, and manner to be prescribed by the attorney general or the
5 attorney general's designee.

6 3 Effective Date. This act shall take effect January 1, 2026.

SB 71-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2025-0494s)

AN ACT relative to cooperation with federal immigration authorities.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable		
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	Indeterminable		
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	\$0	\$0	\$0

METHODOLOGY:

This bill provides that unless expressly prohibited by state or federal law, local governmental entities may not prohibit or impede any state or federal law enforcement agency from complying with federal immigration laws, and provides for remedies for violations. This bill further authorizes county corrections facilities to hold individuals subject to an Immigration and Customs Enforcement detention for up to 48 hours following the resolution of their state charges, excluding Saturdays, Sundays, and holidays, in order to permit assumption of custody by federal authorities, and requires any agency refusing to honor an immigration detainer for an inmate to report each such refusal to the attorney general.

Violation of this proposed law may result in an enforcement action by the Attorney General, who may seek injunctive relief and/or punitive damages. The Department of Justice states it is uncertain what the number of enforcement actions may be, therefore this bill's impact on state

expenditures is indeterminable. The Department states that if there are larger levels of enforcement actions, its litigation budget may increase up to \$100,000, and the Department of Justice would need an attorney to oversee those actions. The Department estimates the total cost of an unclassified assistant attorney general position to be approximately \$133,000 per year.

The New Hampshire Association of Counties indicates the bill as amended would require county correctional facilities to hold individuals beyond the current time they are held in county correctional facilities. This Association states this will lead to significant increases for counties that do not have a contract to cover the expenses of housing, food, hygiene products and medical expenses. The average cost to hold someone in a county correctional facility is \$120-140 a day excluding medical expenses. The Association is unable to determine how many ICE detainees may come through the county jails, and any resulting cost increase is indeterminable.

AGENCIES CONTACTED:

Department of Justice and New Hampshire Association of Counties