

HB 1570-FN-LOCAL - AS INTRODUCED

2026 SESSION

26-2448  
09/05

HOUSE BILL                    ***1570-FN-LOCAL***

AN ACT                    relative to governmental budget authority for agreements for law enforcement agencies to participate in federal immigration enforcement.

SPONSORS:                Rep. Scherr, Rock. 26; Rep. Berch, Ches. 6; Rep. Meuse, Rock. 37; Rep. Muns, Rock. 29; Rep. A. Murray, Hills. 20

COMMITTEE:              Criminal Justice and Public Safety

---

ANALYSIS

This bill requires local budgetary authority before a law enforcement agency enters into an agreement with the federal Immigration and Customs Enforcement to assist in the enforcement of federal immigration law, grants the budgetary authority continuing power to terminate the agreement, and provides for a penalty for failure to comply.

-----

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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-Six*

AN ACT relative to governmental budget authority for agreements for law enforcement agencies to participate in federal immigration enforcement.

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

1 1 Purpose. The general court recognizes that some law enforcement agencies in New  
2 Hampshire will seek to engage in Section 287(g) agreements with the Immigration and Customs  
3 Enforcement. Because those law enforcement agencies carry the complete cost of their participation  
4 in such agreements, the general court deems it essential to ground the decision to participate in such  
5 agreements in the governmental authority that oversees the budget of those law enforcement  
6 agencies and represents its constituents.

7 2 New Section; Participation in Federal Immigration Programs. Amend RSA 106-P by inserting  
8 after section 1 the following new section:

9 106-P:2 Approval of Participation.

10 I. Notwithstanding RSA 106-P:1, if a law enforcement agency (LEA) in New Hampshire  
11 intends to apply for a Section 287(g) agreement with United States Immigration and Customs  
12 Enforcement (ICE) pursuant to this chapter, it must first receive permission from the governmental  
13 budget authority (GBA) that has final authority over its budget. It may not apply for a Section  
14 287(g) agreement without such permission.

15 II. Notwithstanding RSA 106-P:1, as a part of seeking permission from its GBA, the law  
16 enforcement agency shall provide the GBA with a formal estimate of the yearly cost to that agency of  
17 participation in the Section 287(g) agreement, including an estimate of the number of employee  
18 hours that will be devoted to participation in the agreement. The GBA may decline to approve the  
19 agreement based on the cost to the municipality or other political entity of such an agreement.

20 III. Notwithstanding RSA 106-P:1, if the LEA receives approval from its GBA for the  
21 application and ICE approves the application:

22 (a) The LEA may not sign the Section 287(g) agreement without its GBA:

23 (1) Reviewing the Section 287(g) agreement;

24 (2) Providing notice to the residents within its jurisdiction of the proposed  
25 agreement and its cost; and

26 (3) Authorizing the LEA to sign the agreement.

27 (b) The LEA shall also provide documented notice to the GBA of the specific provisions of  
28 the Section 287(g) agreement that it intends to perform and not perform.

29 IV. Upon signing of the agreement, the LEA shall provide a quarterly report to its GBA of:

**HB 1570-FN-LOCAL - AS INTRODUCED**

**- Page 2 -**

1 (a) The activity its employees engaged in as Section 287(g) agents, including the number  
2 of detentions based ICE detainers or warrants in which the LEA was involved.

3 (b) Specific number of hours during which each officer operated under the Section 287(g)  
4 agreement, including but not limited to, training time.

5 (c) Cost to the LEA of each officer's time spent engaged in Section 287(g) activities,  
6 including but not limited to training time.

7 (d) Additional costs to the LEA for the time its officers spent conducting Section 287(g)  
8 activities.

9 (e) Any reimbursement to the LEA from ICE, the Department of Homeland Security, or  
10 other federal agencies for activities conducted by LEA officers while engaged in Section 287(g)  
11 activities.

12 (f) Identification and number of requests by ICE or the Department of Homeland  
13 Security for participation of officers from the law enforcement agency under the Section 287(g)  
14 agreement, including those requests that the LEA declined.

15 V. Notwithstanding RSA 106-P:1, the requirements in subparagraph IV(b) and paragraph V  
16 above shall also include and apply to all LEAs that have engaged in Section 287(g) agreements prior  
17 to the effective date of this section.

18 VI. Notwithstanding RSA 106-P:1, the GBA for an LEA shall have the authority to  
19 terminate the Section 287(g) agreement at any time based on the cost to its political entity of  
20 operating under the agreement. This authority shall apply to all LEAs with Section 287(g)  
21 agreements, including those with agreements that pre-dated the effective date of this section.

22 VII. Notwithstanding RSA 106-P:1, the state shall withhold all state funding to any LEA  
23 that fails to abide with this section.

24 3 Effective Date. This act shall take effect 60 days after its passage.

**HB 1570-FN-LOCAL- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to governmental budget authority for agreements for law enforcement agencies to participate in federal immigration enforcement.

**FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.**

<b>Estimated State Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	\$0	\$101,000	\$81,000	\$83,000
<i>Funding Source(s)</i>	General Fund and Highway Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

**METHODOLOGY:**

This bill requires local budgetary authority before a law enforcement agency enters into an agreement with the federal Immigration and Customs Enforcement (ICE) to assist in the enforcement of federal immigration law, grants the budgetary authority continuing power to terminate the agreement, and provides for a penalty for failure to comply.

State Impact

The Department of Safety states the Division of State Police (NHSP) already has a working 287(g) agreement, and any training or notices required by the bill would be negligible. Since NHSP only uses their 287(g) authority as part of their normal work, it's hard to predict any added day-to-day costs. The Department states a more significant cost comes from the bill's quarterly reporting requirement. None of the State Police systems currently have a way to tag or track when Troopers are doing 287(g) work. Creating new codes and having the software companies update these systems could cost around \$10,000 and take several months. Until those updates are in place, the Department states that pulling the needed information by hand would be very time-consuming, likely requiring the hire of a new position (account auditor/data clerk, SOC 13-02, step 6) at an estimated cost of \$91,000 in FY 2027, \$81,000 in FY 2028, and \$83,000 in FY 2029 (75% general fund and 25% highway fund). This bill provides neither authorization nor appropriation for new personnel.

### County Impact

The New Hampshire Association of Counties states this bill would require the county delegation to vote on any contract that county or county officials enter with ICE, to which it believes would have no added cost.

### Municipal Impact

The New Hampshire Municipal Association states the bill changes the responsible party in a municipality authorized to apply for entry or enter into an agreement with the United States Immigration and Customs Enforcement to participate in a federal 287(g) program pursuant to 8 U.S.C. section 1357(g). As such, the Association states the bill itself does not have an impact on local revenues or expenditures.

### **AGENCIES CONTACTED:**

Department of Safety, New Hampshire Association of Counties, and New Hampshire Municipal Association