

Senate Judiciary Committee

Pete Mulvey 271-4063

SB 71-FN, relative to cooperation with federal immigration authorities.

Hearing Date: January 23, 2025

Time Opened: 2:44 p.m.

Time Closed: 3:34 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller and Reardon

Members of the Committee Absent : Senator Carson

Bill 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.

Sponsors:

Sen. Gannon

Sen. Abbas

Sen. Avard

Sen. Birdsell

Sen. Gray

Sen. Innis

Sen. Lang

Sen. McConkey

Sen. Pearl

Sen. Rochefort

Sen. Sullivan

Sen. McGough

Sen. Murphy

Sen. Ricciardi

Rep. Khan

Rep. Weyler

Rep. Vose

Rep. Litchfield

Rep. L. Walsh

Who supports the bill: 15 individuals supported SB 71-FN. Contact peter.mulvey@gc.nh.us for further details.

Who opposes the bill: 168 individuals opposed SB 71-FN. Contact peter.mulvey@gc.nh.us for further details.

Who is neutral on the bill: N/A

Summary of testimony:

Senator Bill Gannon

Senate District 23

- SB 71 prohibited any government entity in the State of New Hampshire from enacting any sanctuary policies.

- Sen. Gannon defined sanctuary policies as any policy barring or impeding cooperation and communication with federal law enforcement entities.
- At least four cities in New Hampshire have adopted welcoming ordinances; initiatives specifically designed to discourage cooperation with ICE.
- Sen. Gannon stated that Senator Maggie Hassan found more support necessary at the northern border following a dramatic increase in unauthorized crossings.
- 676,000 doses of fentanyl were seized at the northern border; 240,000 doses being enough to kill every resident of Manchester, Nashua and Concord combined.
- Sen. Gannon reported that in just one day in the last week, ICE arrested over 300 individuals.
- Sen. Gannon was curious why New Hampshire would hesitate to remove threats to public safety.
- The only immigration New Hampshire welcomed was legal immigration.
- Sen. Reardon, stating that it was already a breach of law to interfere with federal law enforcement, asked if SB 71 was a mandate.
 - Sen. Gannon confirmed.
- Sen. Reardon asked if preexisting law was insufficient.
 - Sen. Gannon believed it was evident given that the welcoming ordinances were introduced.
- Sen. Reardon asked Sen. Gannon if an additional legal layer would be productive in limiting the ordinances and policies in question.
 - Sen. Gannon believed so given the penalties assigned.
- Sen. Reardon asked if there were no preexisting penalties for interference with federal law enforcement.
 - Sen. Gannon deferred the question.
- Sen. Altschiller asked what communities in the state inspired SB 71.
 - Sen. Gannon contemporaneously referred to Lebanon, Hanover, and indicated two others.
- Sen. Altschiller asked if Immigration policy was the purview of the federal government.
 - Sen. Gannon identified public safety as the purview of the state regardless of how the federal government chose to act.
- Sen. Altschiller asked Sen. Gannon if he knew of any policies prohibiting state or local cooperation and participation with federal law enforcement if prompted.
 - Sen. Gannon said the purpose of SB 71 was to ensure there were no sanctuary policies in New Hampshire.

Senator Tim McGough

Senate District 11

- Sen. McGough spoke in support of SB 71.
- Sen. McGough identified Hillsborough County, New Hampshire's largest and home to 30% of the population, as a sanctuary county.
- Sen. McGough reported the arrest of thirteen individuals earlier in the day in Boston at the hands of ICE.
- The Center for Immigration Studies had documented corroborating data.
- Community safety was a top issue of the campaign for Sen. McGough. As a paramedic in Nashua and Manchester, Sen. McGough encountered many violent criminals.
- SB 71 would create a uniform standard and may prevent the next Laken Riley incident.

- Sen. McGough provided a map detailing limited and non-cooperative institutions in Hillsborough County, tracking accepted detainer requests.
- Sen. Altschiller was unfamiliar with the concept of a sanctuary county and inquired if the Hillsborough County Commission had elected to prohibit cooperation with ICE.
 - Sen. McGough indicated it had been the case for quite some time that Hillsborough County Correctional facilities would not accept detainer requests.

Shari Rendall

Director, State and Local Engagement, Federation for American Immigration Reform

- Ms. Rendall and FAIR supported SB 71.
- Sanctuary policies came in many shapes and sizes; some prevent inquiries about immigration status; some limit cooperation; some limit use of local facilities for federal detainees.
- Cheshire, Dublin, Deerfield, Durham, Hanover, Huntsville, Lebanon, Lyme and Manchester were all identified as sanctuary cities.
- Anti-Sanctuary policies do not require local authorities to perform federal duties, rather they prevent disruptions to federal-state-local cooperation.
- Ms. Rendall maintained the belief that undocumented migrants do in fact commit crimes with greater propensity than U.S Citizens, noting that a 2019 State Criminal Alien Assistance Program study found that undocumented migrants were more likely to be detained at a correctional facility than a citizen.
- Anonymous tips can be given and therefor SB 71 would not produce a chilling effect in undocumented communities regarding witness testimony and/or reports in the event of a crime.
- Ms. Rendall stated that successful cooperation in a case can result in a visa and a pathway to citizenship, which may be blocked by sanctuary policies.
- Ms. Rendall referred to a Center for Immigration Studies report stating that immigrant-victimizations are just as likely, sometimes more likely to be reported than crimes against native born Americans.
- FAIR determined that Americans spent \$87m in taxes as a result of illegal immigration.

Giles Bissonnette

Legal Director, ACLU NH

- Mr. Bissonnette opposed SB 71.
- Mr. Bissonnette characterized SB 71 as a mandate.
- SB 71 stripped authority from local communities and police chiefs.
- SB 71 could require local authorities and resources to be dedicated to detaining and holding individuals on behalf of ICE.
- Mr. Bissonnette clarified that SB 71 would mandate compliance with detainer requests which are not determined by a judge.
- Mr. Bissonnette believed the law would be costly to taxpayers and would act to the detriment of Community-Police relations.
- Sen. Reardon asked about the lack of a fiscal note and lack of compensation for detention.
 - Mr. Bissonnette maintained that SB 71 provided no reimbursement upon his reading.
- Sen. Reardon asked Mr. Bissonnette if he was aware that Merrimack County had federal marshal detention spaces, which charged \$100 a day, per individual.
 - Mr. Bissonnette was familiar with the concept and stated that such would seemingly not apply under the statute being considered.

- Sen. Reardon asked if violations would be pursued by the attorney general’s office and was curious toward the associated costs.
 - Mr. Bissonnette found the punitive damages to be more impactful to the taxpayer than the Attorney General’s enforcement component of SB 71.
- Sen. Abbas was curious how effective a reform would be if non-compliance, or obstruction went unaddressed.
 - Mr. Bissonnette believed there were other areas of immigration reform aside from deputization of local law enforcement. More ICE agents, as opposed to greater leveraging of local assets, were considered more appropriate.
- Sen. Abbas asked Mr. Bissonnette if a detainer request for an alleged sexual predator being ignored was problematic.
 - Mr. Bissonnette clarified that detainees are 48-hour holds and encouraged a greater federal response instead. Regardless of immigration status, someone suspected of such a crime may and will be detained by local law enforcement.
- Sen. Abbas noted how quickly some can be put on bail and asked if there was an appropriate time that local law enforcement could hold someone.
 - Mr. Bissonnette asserted that preventative detention for violent offenders and flight risks accommodated Sen. Abbas’ concerns.
- Sen. Abbas noted that there was an interstate parole pact requiring states to hold offenders for extradition, in which we assume those costs on their behalf.
 - Mr. Bissonnette noted that enforcement of immigration law was primarily concerned with civil violations. The expectation for towns and cities to use resources intended for criminal enforcement to hold and detain those suspected of civil immigration violations was an issue.

Grace Kindeke

Program Coordinator, American Friends Services Committee

- Ms. Kindeke spoke in opposition on behalf of the Immigration Rights Network.
- It is already a violation of federal/state law to interfere with law enforcement agencies engaged in official duties.
- Ms. Kindeke found SB 71 to be a redundant reiteration of preexisting law, unless its true function is a mandate.
- Immigration enforcement was the responsibility of the federal government. If more resources are needed, they ought to be provided by the federal government themselves.
- Ms. Kindeke found preexisting enforcement measures successful and found the number of individuals available to arrest and prosecute cases sufficient.
- Ms. Kindeke urged the committee to not support an unfunded mandate which may raise the risk of liability with local governments assuming the cost.
- Sen. Gannon asked Ms. Kindeke regarding welcoming ordinances and their conflict with federal efforts.
 - Ms. Kindeke stated that welcoming ordinances simply stated what law enforcement would do regarding preemptive searches of immigration status – not necessarily what they will or won’t do when suspected of a crime.
- Sen. Gannon said the welcoming ordinances strictly barred federal cooperation.
 - Ms. Kindeke believed there were better means of preventing obstruction and encouraging cooperation.

- Sen. Abbas asked how New Hampshire would accommodate an influx of immigrants as the Commonwealth of Massachusetts had seen.
 - Ms. Kindeke noted that Massachusetts had immigrants bussed in from elsewhere and added that different prioritization of resources would negate such an issue. As one of the wealthiest states in the nation, Ms. Kindeke believed it was a question of allocation and not availability.
- Sen. Abbas asked if it was appropriate for the state to prioritize its resources towards non-citizens.
 - Ms. Kindeke said our resources should be prioritized to create housing for people, full stop. We don't have enough housing for legal state residents as is.
 - Ms. Kindeke noted that she was undocumented for most of her life despite working for local businesses, attending local schools, paying taxes and paying rent.
- Sen. Gannon asked how many undocumented immigrants lived in New Hampshire.
 - Ms. Kindeke said 10 or 11 thousand resided in New Hampshire.

Representative Jeanine Notter

Assistant Majority Leader, Hillsborough District 12

- Rep. Notter sponsored similar legislation historically.
- Rep. Notter personally visited the southern border in May and October of 2023, and had met with law enforcement, residents and ranchers alike.
- The southern border was wide open. Those who cross openly are unvetted with unknown intentions.
- Rep. Notter stated that humans, drugs, and weapons were trafficked.
- Border Control's enforcement efforts were hampered by managing children and families.
- Rep. Notter referred to a processing facility built in Arizona which flew processed individuals elsewhere, namely the northeast.
- Sanctuary cities protected traffickers and drug distributors.
- No other country had open borders.

PM

Date Hearing Report completed: January 27, 2025