

Senate Judiciary Committee

Pete Mulvey 271-4063

HB 511-FN, relative to cooperation with federal immigration authorities.

Hearing Date: April 29, 2025

Time Opened: 2:20 p.m.

Time Closed: 3:05 p.m.

Members of the Committee Present: Senators Gannon, McConkey, Altschiller and Reardon and Ward.

Members of the Committee Absent : Senator Abbas

Bill Analysis: This bill:

I. Requires law enforcement agencies to comply with immigration detainers of inmates if safe to do so and prohibits state and local government entities from adopting sanctuary policies to prohibit or impede the enforcement of federal immigration law.

II. Prohibits New Hampshire law enforcement agencies from investigating an inmate's citizenship status unless subsequent to an alleged violation of New Hampshire law or pursuant to an authorization by law.

III. Prohibits blanket policies against compliance with immigration detainers for inmates and prohibits any government entity or law enforcement agency from restricting the use and transmission of inmate immigration information used in compliance with the chapter.

IV. Provides exceptions for certain witnesses to or victims of crime.

Sponsors:

Rep. Sweeney

Rep. Berry

Rep. McFarlane

Rep. T. Walsh

Sen. Abbas

Sen. Gannon

Who supports the bill: 12 supported HB 511-FN. Contact peter.mulvey@gc.nh.gov for further details.

Who opposes the bill: 341 opposed HB 511-FN. Contact peter.mulvey@gc.nh.gov for further details.

Who is neutral on the bill: N/A

**Summary of testimony:
Representative Joe Sweeney**

Rockingham – District 25

- HB 511-FN banned sanctuary policies, and cities in the State of New Hampshire.
- Under the bill, it would be illegal to turn a blind eye to federal immigration law. Local law enforcement would be required to respond to federal detainer requests to detain individuals at local facilities.
- Rep. Sweeney maintained that those committing crimes in the State would not be given a free pass.
- HB 511-FN protected families and communities and was about standing with law enforcement.
- Sen. Gannon asked if HB 511-FN would preclude participation in a section 287-g agreement with federal law enforcement.
 - Rep. Sweeney did not believe there would be conflict as there was a carveout in the bill for such agreements.
- Sen. Altschiller asked if HB 511 would require municipalities to engage in training or cooperation with federal enforcement authorities even if the selectboard directed otherwise.
 - Rep. Sweeney said that municipalities may enter section 287-g agreements freely under the bill.
- Sen. Altschiller asked if HB 511 would relinquish control of local law enforcement from the municipality to the State.
 - Rep. Sweeney clarified that HB 511 did not mandate section 287-g agreements. Rep. Sweeney indicated that the bill enabled law enforcement agencies to enter the agreements without prohibition or interference from the selectboard or other local bodies.

Michael Lambert

- Mr. Lambert opposed HB 511-FN.
- Immigration is a problem globally.
- Anti-immigration legislation is a tool for division.
- HB 511-FN was evidence that the voters, residents, and representatives of the state were being used.
- Mr. Landry said immigration must not be wedge, and urged the committee and community to help people navigate housing, citizenship and labor.

Timothy Lethbridge

Superintendent, Grafton County Jail

New Hampshire Association of Counties

- Mr. Lethbridge opposed HB 511-FN.
- Every jail in the state cooperated with immigration and customs enforcement. Anytime a detainee is subject to an ICE hold, ICE is notified.
- It can cost \$31,000 to handle one singular federal detainer request.
- Grafton county cannot isolate a civil detainee from a criminal detainee.

- Costs are entirely borne by the local taxpayer when responding to detainer requests.
- Mr. Lethbridge emphasized that jails are held liable when ICE made mistakes in their very own detainer requests.
- According to Mr. Lethbridge, some jails had lost multimillion dollar lawsuits surrounding errors ICE had made in their arrests.
- Mr. Lethbridge, as Superintendent, does not favor sanctuary policies, and asked to limit the bill's applicability to jails which have made agreements with ICE, and to make ICE responsible for legal liabilities, medical expenses, and local officers' time in doing the federal authorities' job for them.
- The Association of Counties concerns would be dealt with if language reflective of Mr. Lethbridge's suggestions were adopted.
- Sen. Gannon asked how many jails had a contract with ICE and how many beds were available.
 - Mr. Lethbridge indicated that Strafford County currently holds an agreement with ICE, and said that Rockingham, Hillsborough, and Cheshire counties were contemplating one.

Linda Field

Peterborough, New Hampshire

- Ms. Field spoke in opposition to the bill.
- The town of Peterborough voted several years ago not to step in for ICE.
- Recently, ICE came to New Hampshire, and arrested a resident of four years, who had been taken away, and it was unclear if he had any due process.
- In the Holocaust, communist and socialists were taken first. ICE was instructing the town, and police, to be bystanders in repeating that process again according to Ms. Field.
- If HB 511 provided due process and was limited to criminals, no one would oppose it. Ms. Field did not believe it was fair to place such a burden on local citizens and local law enforcement.
- Sen. Altschiller asked if the Peterborough police were instructed via a vote to not assist ICE.
 - Ms. Field said that was the purpose of the measure in question.

Reverend Daniel Robins

Harrisville, New Hampshire

- Rev. Robins spoke in opposition and offered two points on HB 511-FN.
- Six or seven years ago, at its annual town meeting, the town of Harrisville contemplated requests to have local police be deputized by ICE for serving detainees.
- The term sanctuary city was never raised. The concern was, and always had been, local control. The town had its small police force used in ways the people did not want.
- ICE, and federal law enforcement, can go where it wanted, could pick up who it wanted, and did not need to rely on municipal police departments to do their job for them.
- There will be significant pressure in towns to adopt policies that go against local inclinations and desire. Rev. Robins feared that there may be lawsuits against towns, by individuals falsely detained.
- The estimated State impact is possibly \$132,000 a year, which just considered if the State had to hire another Attorney General.
- Considering the tightness of the state budget, HB 511 was inappropriate.

- Sen. Gannon asked Rev. Robins if he understood that the police were not forced to do anything by HB 511.
 - Rev. Robins understood and said the statewide pressure would be too much and that he opposed the bill.

Representative Timothy Horrigan

Strafford – District 10

- Rep. Horrigan opposed the bill.
- Rep. Horrigan said that towns and cities should be allowed to adopt their own policies.
- Immigrants were part of the community according to Rep. Horrigan.
- Rep. Horrigan believed that HB 511 was dangerous.
- Local law enforcement should not assist ICE without proper training in Rep. Horrigan’s view.

Glennifer Gillespie

- Ms. Gillespie is a legal immigrant to New Hampshire.
- Ms. Gillespie is originally from the nation of South Africa.
- Ms. Gillespie opposed the bill, specifically section one.
- Ms. Gillespie moved to New Hampshire because of its history with grass roots democracy.
- Towns must make their own decisions over what affected them, in line with their values, and their community.
- As mentioned, the town of Peterborough voted that its police department should not be required to support ICE.
- Recently, ICE had arrested four individuals from a local Mexican restaurant. They were workers, they were neighbors and had committed no crime according to Ms. Gillespie.
- Sen. Gannon asked if the town of Peterborough didn’t want to cooperate at all with federal authorities.
 - Ms. Gillespie said the police should not have to participate with ICE or federal agencies.
- Sen. Reardon made a point of order; New Hampshire statutes affected any person on New Hampshire soil. ICE has complete authority to arrest any immigrant for any violation of New Hampshire statute without issue as it currently stands.
- Sen. Altschiller asked Ms. Gillespie if the municipal police department was instructed to differentiate between a documented person, and an undocumented person who committed a crime.
 - Ms. Gillespie said she was unsure.
- Sen. Altschiller asked if crimes were crimes regardless of who committed them
 - Ms. Gillespie said yes.

David Blair

- Mr. Blair opposed the bill. Mr. Blair considered HB 511-FN an unfunded mandate.
- The police were already very busy and spread thin.
- To ask local law enforcement to do the work of federal law enforcement would take away local time, local focus, and local enforcement.

- Mr. Blair concurred with previous speakers that the bill impeded local control.
- The police ought to not feel pressured according to Mr. Blair.
- Mr. Blair feared that there would be considerable costs in lawsuits brought for racial profiling.
- Local police have worked hard to build trusting relationships with immigrant communities, which kept cities safer. Immigrants are willing to come forward, testify, share information, keep eyes out and keep police informed on the town,
- Given what individuals could now see on the news, immigrants may now have reason to fear law enforcement.
- Sen. Gannon noted that there are provisions in HB 511 which stated that cooperation with ICE and law enforcement may prevent immigrants from being subject to scrutiny on their own status.
 - Mr. Blair contended with the notion that immigrants would be aware of let alone trusting of such a policy.

Representative Ross Berry

Hillsborough – District 44

- Rep. Berry cosponsored HB 511-FN.
- Rep. Berry suggested including judges in the language on line 19 of the second page of the bill.
- Rep. Berry emphasized that all rights emanated from the State and that the State had every right to instruct towns on how to administer themselves.

PM

Date Hearing Report completed: May 5, 2025