

Floor Amendment to SB 62

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to law enforcement participation in a federal immigration program and  
4 relative to cooperation with federal immigration authorities.

5

6 Amend the bill by replacing all after section 1 with the following:

7

8 2 New Chapter; Anti-Sanctuary City Act. Amend RSA by inserting after chapter 106-O the  
9 following new chapter:

10

CHAPTER 106-P

11

ANTI-SANCTUARY CITY ACT

12

106-P:1 Definitions. In this chapter:

13

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

18

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

21

106-P:2 Prohibition of Sanctuary Policies.

22

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

26

106-P:3 Enforcement.

27

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

**Floor Amendment to SB 62**

**- Page 2 -**

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

4           3 County Department of Corrections; Immigration Detainees. New Paragraph; County  
5 Department of Corrections; Immigration Detainees. Amend RSA 30-B:1 by inserting after  
6 paragraph II the following new paragraph:

7           III. A county may hold Immigration and Customs Enforcement detainees, after the  
8 resolution of state charges, for a maximum of 48 hours, excluding Saturdays, Sundays, and holidays,  
9 in order to permit assumption of custody by federal authorities. Nothing in this paragraph shall  
10 prohibit the county from executing an agreement in accordance with RSA 30-B:16. Any agency  
11 refusing to honor an immigration detainer for an inmate shall report each such refusal to the  
12 attorney general in a time, form, and manner to be prescribed by the attorney general or the  
13 attorney general's designee.

14           4 Effective Date.

15           I. Sections 2 and 3 of this act shall take effect January 1, 2026.

16           II. The remainder of this act shall take effect 60 days after its passage.

**Floor Amendment to SB 62**  
**- Page 3 -**

2025-1957h

AMENDED ANALYSIS

This bill provides that neither the state nor any county, municipality, or other political subdivision of this state shall prohibit or impede any state, county, or local law enforcement agency from applying for entry or entering 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).

This bill also 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.