SB 62 - VERSION ADOPTED BY BOTH BODIES

8May2025... 1957h
05/15/2025 2322EBA

2025 SESSION

25-1016
09/11

SENATE BILL ***62***

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

SPONSORS: Sen. Gannon, Dist 23; Sen. Lang, Dist 2; Sen. Avard, Dist 12; Sen. Carson, Dist 14; Sen. McGough, Dist 11; Sen. Murphy, Dist 16; Sen. Pearl, Dist 17; Sen. Sullivan, Dist 18; Sen. Birdsell, Dist 19; Rep. Bernardy, Rock. 36; Rep. Khan, Rock. 30; Rep. L. Walsh, Rock. 15; Rep. Weyler, Rock. 14

COMMITTEE: Judiciary

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

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

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

1 New Chapter; Participation in Federal Immigration Programs. Amend RSA by inserting after chapter 106-O the following new chapter:

CHAPTER 106-P

PARTICIPATION IN FEDERAL IMMIGRATION PROGRAMS

106-P:1 Participation in Federal Immigration Programs.

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).

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

CHAPTER 106-Q

ANTI-SANCTUARY CITY ACT

106-Q:1 Definitions. In this chapter:

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

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

106-Q:2 Prohibition of Sanctuary Policies.

Except as otherwise 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 title 8 of the United States Code.

106-Q:3 Enforcement.

I. Any local governmental entity that violates this chapter may be subject to action by the attorney general, who may file suit against a local governmental entity in a court of competent 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.

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

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

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

4 Contingent Renumbering. If HB 511 of the 2025 general legislative session becomes law, RSA 106-P as inserted by HB 511 shall be renumbered as RSA 106-R.

5 Effective Date.

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

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