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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2035 Session of  
2009

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INTRODUCED BY METCALFE, CREIGHTON, MUSTIO, BARRAR, BEAR, CLYMER,  
COX, CUTLER, DENLINGER, GROVE, KRIEGER, MOUL, O'NEILL,  
PHILLIPS, RAPP, READSHAW, ROCK, SCHRODER, SONNEY, STEVENSON,  
SWANGER AND VULAKOVICH, OCTOBER 9, 2009

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REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 9, 2009

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in matters affecting  
3 government units, providing for exceptions to governmental  
4 immunity related to unauthorized aliens.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated Statutes  
8 is amended by adding a section to read:

9 § 8543. Exceptions to governmental immunity related to  
10 unauthorized aliens.

11 (a) Liability imposed.--A sanctuary municipality shall be  
12 liable for damages on account of an injury to a person or  
13 property as a result of criminal activity by an unauthorized  
14 alien if all of the following conditions are satisfied:

15 (1) The unauthorized alien has been a resident of the  
16 sanctuary municipality for at least six months.

17 (2) The unauthorized alien is convicted of a crime.

18 (3) The criminal activity is a proximate cause of the

1 injury.

2 (b) Definitions.--As used in this section, the following  
3 words and phrases shall have the meanings given to them in this  
4 subsection:

5 "Municipality." A municipality as defined under 1 Pa.C.S. §  
6 1991 (relating to definitions).

7 "Sanctuary municipality." A municipality which has adopted  
8 ordinances, policies or procedures to encourage unauthorized  
9 aliens to reside in the municipality. The term shall include  
10 ordinances, policies or procedures which do any of the  
11 following:

12 (1) Prohibit, restrict or discourage municipal employees  
13 from sending, receiving or maintaining information regarding  
14 the immigration status, lawful or unlawful, of any  
15 individual, or exchanging the information with any other  
16 Federal, State or local government entity.

17 (2) Prohibit, restrict or discourage municipal employees  
18 from asking individuals their citizenship or immigration  
19 status.

20 (3) Provide public benefits, unless required by Federal  
21 or State statutes or court decisions, with the exception of  
22 any of the following:

23 (i) Emergency medical care.

24 (ii) Law enforcement, arrest, prosecution,  
25 incarceration, detainment and related expenses.

26 (iii) Benefits provided to the public at large,  
27 including maintenance of roads, sidewalks, public parks  
28 and similar government property.

29 "Unauthorized alien." An alien who is not lawfully present  
30 within the United States.

1 Section 2. This act shall take effect in 60 days.