SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 10

PRINTER NO. 162

AMOUNT

$0 – ($1.3 Billion)

$0 -- $1.3 Billion

FUND

Local/Municipal Funds

Various Commonwealth Funds

DATE INTRODUCED

January 20, 2017

PRIME SPONSOR

Senator Reschenthaler

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 10 amends Titles 42 (Judiciary and Judicial Procedure) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for liability imposed on and eligibility for public benefits of a municipality of refuge. The legislation's intent is to prevent municipalities and counties from designating themselves as "sanctuary cities" in order to thwart federal efforts to combat illegal immigration.

Specifically, this legislation does the following:

- Amends §8542 of Title 42 by adding a subsection that provides that a municipality of refuge shall be liable for damages on account of an injury to a person or property within the limits set forth in this new subchapter if the injury was caused by the act of an individual that was in the custody of the municipality and was released, notwithstanding the existence of a United States Immigration and Customs Enforcement (ICE) civil immigration detainer request for the individual;
- Clarifies that the term "municipality of refuge," as used in the new subsection shall have the same meaning as given to the term in 53 Pa.C.A. §305 (relating to municipality of refuge);
- Amends Title 53 by adding a new §305 (Municipality of refuge), which does the following:
    1) Enforcement -- Provides for mandatory enforcement of each law, mandate, request and order of the Federal Government relating to immigration, if the law, mandate, request or order does not conflict with the rights guaranteed under the Constitution of the United States or the Constitution of Pennsylvania, by governing bodies of municipalities, townships and counties, including law enforcement officers, agencies and the district attorney;

2) Immigration -- Prohibits governing bodies of municipalities, townships or counties from adopting a rule, order, ordinance or policy which prohibits the enforcement of a Federal law or the laws of this Commonwealth, pertaining to an immigrant or immigrations;
3) Eligibility -- Provides that a law enforcement agency or municipality that refuses to enforce an immigration order shall not be eligible for any State grant or to participate in the sale of State surplus property;
4) Reinstatement -- Provides that a law enforcement agency or municipality that has lost eligibility under subsection 3) listed above, may be reinstated for eligibility by providing proof that they are in compliance with this act;
5) Applicability – Provides that this new section shall not apply to an individual or entity under subsection that has made an attempt to coordinate with a Federal agency pursuant to an immigration order to transfer the custody of a suspect in question but was unable to do so;
6) Defines "Municipality" as any county, city, borough, incorporated town, township, home rule municipality, optional plan municipality, optional charter municipality or any similar general purpose unit of government which may be created or authorized by statute; and
7) Defines "Municipality of refuge" as a municipality that permits the release of an individual in the custody of the law enforcement agency of the municipality notwithstanding the existence of a United States Immigration and Customs Enforcement civil immigration detainer request for the individual.

This act shall take effect in 60 days.

FISCAL IMPACT:

The fiscal impact of this legislation is dependent on the number of municipalities that do not comply with the provisions of the act. The fiscal impact is currently estimated to range from $0 to $1.3 billion. The legislation will have no fiscal impact to the Commonwealth or local jurisdictions if all municipalities comply with the provisions of the act. Depending on compliance, the provisions of the act barring grants to non-compliant jurisdictions could result in up to $1.3 billion being withheld from the municipalities that are known to be sanctuary municipalities at the time of this review. The following chart illustrates potential losses by municipality.

According to the Center for Immigration Studies, the following cities and counties in Pennsylvania, to date, have either designated their municipality as a “sanctuary city/county” or have adopted policies and practices that are consistent with sanctuary policies.

Municipality	FY 2015-16 Commonwealth Funds Received [1]
Abington Township	$1,906,616
Bedford County	$3,920,338
Bradford County	$10,473,262
Bucks County	$94,404,619
Butler County	$25,937,169
Chester County	$67,182,257
Clarion County	$6,098,958
Delaware County	$122,824,610
Erie County	$62,767,134
Lebanon County	$15,735,028
Lehigh County	$51,096,483
Lycoming County	$12,449,432
Montgomery County	$107,504,407
Montour County	$2,242,455
Perry County	$5,748,088
Philadelphia City/County	$638,029,775
Pike County	$4,590,828
City of Pittsburgh [2]	$9,636,684
Westmoreland County	$50,443,682
City of York [2]	$1,361,571
Total:	**$1,294,353,396**

[1] Includes certain payments for mandated programs, such as County Child Welfare, Early Intervention, Outpatient Services, Community ID Services and Medical Assistance-Fee for Service payments.

[2] Municipality hasn't officially declared itself a "sanctuary city" but has adopted policies and practices that are consistent with sanctuary policies.

Commonwealth funding that could be withheld includes the following programs:

Emergency 911
Hazardous Sites Clean-Up
Recycling
Agricultural Conservation Easements
Transportation (road and bridge)
Various General Fund Programs

Additionally, the Commonwealth may need to develop a repository in order to track municipalities that are in non-compliance with this Act. The costs to develop such a repository are expected to be de minimis and capable of being absorbed within existing fiscal resources of the Pennsylvania Local Government Commission or the Governor's Center for Local Government Services.