

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 891 Session of  
2011

INTRODUCED BY MCILHINNEY, RAFFERTY, FOLMER, GREENLEAF, BAKER,  
EICHELBERGER, WAUGH, D. WHITE, VOGEL, ALLOWAY, BREWSTER,  
MENSCH AND TOMLINSON, APRIL 13, 2011

REFERRED TO STATE GOVERNMENT, APRIL 13, 2011

AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania  
2 Consolidated Statutes, providing for verification of  
3 nationality and immigration status.

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

6 Section 1. Title 44 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a part to read:

8 PART V

9 LAW ENFORCEMENT

10 Chapter

11 81. Preliminary Provisions (Reserved)

12 83. Immigration

13 CHAPTER 81

14 PRELIMINARY PROVISIONS

15 (Reserved)

16 CHAPTER 83

17 IMMIGRATION

18 Sec.

1 8301. Definitions.

2 8302. Verification.

3 § 8301. Definitions.

4 The following words and phrases when used in this chapter  
5 shall have the meanings given to them in this section unless the  
6 context clearly indicates otherwise:

7 "Arresting agency." Any of the following law enforcement  
8 agencies that arrested the person whose status is being  
9 verified:

10 (1) The Pennsylvania State Police.

11 (2) A local law enforcement agency.

12 § 8302. Verification.

13 (a) Duties.--If verification of the nationality or lawful  
14 immigration status of any person who is charged and confined to  
15 jail for any period of time cannot be made from documents in the  
16 possession of the prisoner or after a reasonable effort on the  
17 part of the arresting agency to determine the nationality or  
18 immigration status of the person so confined, verification shall  
19 be made by the arresting agency within 48 hours through a query  
20 to the Law Enforcement Support Center (LESC) of the United  
21 States Department of Homeland Security or other office or agency  
22 designated for that purpose by the United States Department of  
23 Homeland Security. If it is determined that the prisoner is in  
24 the United States unlawfully, the arresting agency shall notify  
25 the United States Department of Homeland Security.

26 (b) Construction.--Nothing in this section shall be  
27 construed to deny any person bond or prevent a person from being  
28 released from confinement if such person is otherwise eligible  
29 for release.

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