

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 997 Session of 2015

INTRODUCED BY ALLOWAY, FOLMER, SCARNATI, ARGALL, EICHELBERGER,
AUMENT, RAFFERTY, WHITE, VOGEL, STEFANO AND VULAKOVICH,
SEPTEMBER 15, 2015

REFERRED TO LOCAL GOVERNMENT, SEPTEMBER 15, 2015

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 53
2 (Municipalities Generally) of the Pennsylvania Consolidated
3 Statutes, providing for liability imposed on and eligibility
4 for public benefits of a municipality of refuge.

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

7 Section 1. Section 8542 of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subsection to read:
9 § 8542. Exceptions to governmental immunity.

10 * * *

11 (a.1) Liability imposed on municipality of refuge.--A
12 municipality of refuge shall be liable for damages on account of
13 an injury to a person or property within the limits set forth in
14 this subchapter if the injury was caused by the act of an
15 individual that was in the custody of the law enforcement agency
16 of the municipality of refuge and was released, notwithstanding
17 the existence of a United States Immigration and Customs
18 Enforcement civil immigration detainer request for the

individual. As used in this subsection, the term "municipality of refuge" shall have the same meaning as given to the term in 53 Pa.C.S. § 305 (relating to municipality of refuge).

* * *

Section 2. Title 53 is amended by adding a section to read:
§ 305. Municipality of refuge.

(a) Enforcement.--The following must enforce 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 Pennsylvania Constitution or the United States Constitution:

(1) The governing body of a municipality, township or county.

(2) An officer or employee of a municipality, township or county.

(3) A law enforcement official or a law enforcement agency.

(4) A district attorney.

(b) Immigration.--The governing body of a municipality, township or county may not adopt 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.

(c) Eligibility.--A law enforcement agency or municipality that refuses to enforce an immigration order shall not be eligible:

(1) for any State grant for law enforcement; or

(2) to participate in the sale of State surplus property.

(d) Applicability.--This section shall not apply to an

1 individual or entity under subsection (a) that has made an
2 attempt to coordinate with a Federal agency pursuant to an
3 immigration order to transfer the custody of a suspect in
4 question but was unable to do so.

5 (d) Definitions.--As used in this section, the following
6 words and phrases shall have the meanings given to them in this
7 subsection unless the context clearly indicates otherwise:

8 "Municipality of refuge." A municipality that permits the
9 release of an individual in the custody of the law enforcement
10 agency of the municipality notwithstanding the existence of a
11 United States Immigration and Customs Enforcement civil
12 immigration detainer request for the individual.

13 Section 3. This act shall take effect in 60 days.