

## AMENDMENTS TO HOUSE BILL NO. 1885

Sponsor: SENATOR ALLOWAY

Printer's No. 3075

1 Amend Bill, page 1, lines 1 through 7, by striking out all of  
2 said lines and inserting

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

7 Amend Bill, page 1, lines 10 through 18; pages 2 through 4,  
8 lines 1 through 30; page 5, lines 1 through 5; by striking out  
9 all of said lines on said pages and inserting

10 Section 1. Section 8542 of Title 42 of the Pennsylvania  
11 Consolidated Statutes is amended by adding a subsection to read:  
12 § 8542. Exceptions to governmental immunity.

13 \* \* \*

14 (a.1) Liability imposed on municipality of refuge.--  
15 Notwithstanding subsection (a), a municipality of refuge shall  
16 be liable for damages on account of an injury to a person or  
17 property within the limits set forth in this subchapter if the  
18 injury was caused by the act of an individual that was in the  
19 custody of the law enforcement agency of the municipality of  
20 refuge and was released, notwithstanding the existence of a  
21 United States Immigration and Customs Enforcement civil  
22 immigration detainer request for the individual. As used in this  
23 subsection, the term "municipality of refuge" shall have the  
24 same meaning as given to the term in 53 Pa.C.S. § 305 (relating  
25 to municipality of refuge).

26 \* \* \*

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

29 (a) Enforcement.--The following may assist in the  
30 enforcement of each law, mandate, request and order of the  
31 Federal Government relating to immigration, if the law, mandate,  
32 request or order does not conflict with the rights guaranteed  
33 under the Pennsylvania Constitution or the United States  
34 Constitution:

35 (1) The governing body of any municipality.

- 1       (2) An officer or employee of any municipality.  
2       (3) A law enforcement official or a law enforcement  
3 agency.  
4       (4) A district attorney.

5       (b) Immigration.--The governing body of any municipality may  
6 not adopt a rule, order, ordinance or policy which prohibits the  
7 enforcement of a Federal law or the laws of this Commonwealth,  
8 pertaining to an immigrant or immigrations.

9       (c) Eligibility.--A municipality of refuge shall not be  
10 eligible:

- 11       (1) for any State law enforcement grant; or  
12       (2) to participate in the sale of State surplus  
13 property.

14       (d) Reinstatement.--A municipality that has lost eligibility  
15 under subsection (c) may be reinstated for eligibility by  
16 providing proof to the appropriate State agency that it is  
17 currently enforcing immigration orders and that it has rescinded  
18 any rule, order, ordinance or policy described under subsection  
19 (b).

20       (e) Applicability.--This section shall not apply to an  
21 individual or entity under subsection (a) that has made an  
22 attempt to coordinate with a Federal agency pursuant to an  
23 immigration order to transfer the custody of a suspect in  
24 question but was unable to do so.

25       (f) Definitions.--As used in this section, the following  
26 words and phrases shall have the meanings given to them in this  
27 subsection unless the context clearly indicates otherwise:

28       "Municipality." Any county, city, borough, incorporated  
29 town, township, home rule municipality, optional plan  
30 municipality, optional charter municipality or any similar  
31 general purpose unit of government which may be created or  
32 authorized by statute.

33       "Municipality of refuge." A municipality that adopts a rule,  
34 order, ordinance or policy which does either of the following:

- 35       (1) prohibits the enforcement of a Federal law or the  
36 laws of this Commonwealth pertaining to an immigrant or  
37 immigrations: or

- 38       (2) permits the release of an individual in the custody  
39 of the law enforcement agency of the municipality  
40 notwithstanding the existence of a United States Immigration  
41 and Customs Enforcement civil immigration detainer request  
42 for the individual.

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