



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1885

PRINTERS NO. 3075

PRIME SPONSOR: White

COST / (SAVINGS)

FUND	FY 2016/17	FY 2017/18
Municipal Funds	See "Fiscal Impact"	See "Fiscal Impact"

SUMMARY: Amends Titles 42 (Judicial Code) and 53 (Municipalities) to prohibit sanctuary municipalities. This legislation would take effect in 60 days.

ANALYSIS: Under this legislation, a "sanctuary municipality" shall be held liable for damages due to an injury to persons or property as a result of criminal activity by unauthorized aliens if all of the following apply:

- It has been determined by Federal immigration officials that the person who engaged in the criminal activity is an unauthorized alien;
- The unauthorized alien is a resident of the sanctuary municipality;
- The unauthorized alien is convicted of the crime; and
- The criminal activity is a proximate cause of the injury.

The legislation defines "sanctuary municipality" as one which prohibits/restricts its officials/employees from:

- Sending to or receiving from Federal immigration officials any information regarding the citizenship or immigration status of an individual;
- Exchanging such information with other Federal agencies, State agencies or municipalities;
- Inquiring about an individual's name, date and place of birth and immigration status while enforcing/conducting an investigation into the violation of a PA law; or
- Requesting an applicant for State or local public benefits to provide proof of eligibility.

The legislation amends Title 53 to prohibit a municipality from adopting any ordinance/regulation/plan which limits or prohibits a public official, employee or law enforcement officer from communicating or cooperating with Federal officials regarding an individual's immigration status.

Further, a municipality must furnish written notice to each of its public officials, employees and law enforcement officers regarding their duty to communicate/cooperate with Federal officials with respect to enforcement of immigration law.

Within 90 days of the legislation's effective date, municipalities must submit a written report to the Department of Community and Economic Development regarding compliance with the bill's requirements. If DCED fails to receive a timely report from a municipality, DCED would be required to provide the name of the municipality to the State Treasurer.

In addition, if a municipal law enforcement officer has reasonable cause to believe that an individual that is being arrested is not legally present in the U.S., he/she shall immediately report the individual to the appropriate U.S. Immigration and Customs Enforcement Office within the federal Department of Homeland Security.

On or before March 1 of each year, the governing body of a municipality would be required to report to DCED the number of reports made by law enforcement officers of the municipality. If DCED fails to receive a timely report from a municipality, DCED would be required to provide the name of the municipality to the State Treasurer.

On or before April 1 of each year, DCED would be required to compile the reports received and submit a cumulative report to the General Assembly.

The State Treasurer would be required to withhold the payment of Commonwealth funds to any municipality whose name is reported by DCED to the State Treasurer until such time as the municipality complies and DCED so notifies the State Treasurer.

FISCAL IMPACT: This legislation would have a financial impact on those municipalities that have established themselves as "sanctuary municipalities" and refuse to rescind the "sanctuary municipality" designation. Those "sanctuary municipalities" would face liability for potential damages in the event that an injury to persons or property occurs as a result of criminal activity by unauthorized aliens. Any municipality that continues to hold itself out as a "sanctuary municipality" or does not cooperate with the reporting requirements to DCED would lose Commonwealth funds as well. It is presumed that DCED could handle the additional administrative functions of this legislation utilizing existing resources. It is anticipated that any municipal law enforcement agency would be able to comply with the communication and cooperation requirements regarding federal immigration law utilizing existing resources.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: October 17, 2016

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.