

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** House Bill 1885

**PRINTER NO.** 4112

**AMOUNT**

\$17.5 Million Revenue Loss

\$17.5 Million Revenue Increase

**FUND**

Local/Municipal Funds

Various Commonwealth Funds

**DATE INTRODUCED**

April 5, 2016

**PRIME SPONSOR**

Representative White

**DESCRIPTION AND PURPOSE OF BILL**

House Bill 1885, Printer's Number 4112, 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.

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 assistance in the 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 Pennsylvania Constitution or the United States Constitution, by governing bodies of municipalities, townships and counties, including law enforcement officers, agencies and the district attorney;

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- 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 law enforcement 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 adopts a rule, order, ordinance or policy which does either of the following:
  - i. Prohibits the enforcement of a Federal law or the laws of this Commonwealth pertaining to an immigrant or immigrations; or
  - ii. 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 passage of this legislation may result in certain municipalities becoming ineligible for state grants for law enforcement and ineligible to participate in the sale of state surplus.

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According to the Center for Immigration Studies, the following cities and counties in Pennsylvania, to date, have designated their municipality as a “sanctuary city/county:”

Municipality	FY 2015-16 Commonwealth Law Enforcement Related Funds Received
Abington	\$400
Chester County	\$1,584,039
Delaware County	\$2,061,694
Lehigh County	\$1,629,037
Montgomery County	\$1,848,600
Philadelphia City/County	\$10,382,914
<b>Total:</b>	<b>\$17,506,684</b>

Commonwealth funding that could be withheld includes the following programs:

Local Drug Task Forces
Joint Local-State Firearm Task Forces
Improvement of Adult Probation Services
Intermediate Punishment Treatment Programs
Juvenile Probation Services
Full-Time District Attorney Reimbursement Grants
Statewide Public Safety Radio Systems

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.