

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1124 Session of 2007

INTRODUCED BY ORIE, RAFFERTY, SCARNATI, ERICKSON, D. WHITE, BAKER, LAVALLE, WAUGH, PIPPY, FOLMER, EARLL, KASUNIC, BROWNE, BOSCOLA AND REGOLA, OCTOBER 25, 2007

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, MAY 13, 2008

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for falsification of
3 immigration status to law enforcement authorities; further
4 providing for definitions; AND providing for mandatory
5 determination and reporting of citizenship and immigration
6 status. <—

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Title 18 of the Pennsylvania Consolidated
10 Statutes is amended by adding a section to read: <—

11 § 4914.1. Falsification of immigration status to law
12 enforcement authorities.

13 (a) Offense defined. A person commits an offense if he
14 refuses or fails to cooperate with law enforcement's attempts to
15 determine immigration status under section 9112.1(a) (relating
16 to mandatory determination of citizenship and immigration status
17 of certain arrestees) or if he furnishes law enforcement
18 authorities with false information about his immigration status.

19 (b) Grading. An offense under this section is a misdemeanor

1 ~~of the third degree.~~

2 ~~Section 2. The definition of "criminal history record~~
3 ~~information" in section 9102 of Title 18 is amended to read:~~

4 SECTION 1. THE DEFINITION OF "CRIMINAL HISTORY RECORD
5 INFORMATION" IN SECTION 9102 OF TITLE 18 OF THE PENNSYLVANIA
6 CONSOLIDATED STATUTES IS AMENDED TO READ:

7 § 9102. Definitions.

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

11 * * *

12 "Criminal history record information." Information collected
13 by criminal justice agencies concerning individuals, and arising
14 from the initiation of a criminal proceeding, consisting of
15 identifiable descriptions, dates and notations of arrests,
16 indictments, citizenship and immigration status under section
17 9112.1 (relating to mandatory determination of citizenship and
18 immigration status of certain arrestees), informations or other
19 formal criminal charges and any dispositions arising therefrom.
20 The term does not include intelligence information,
21 investigative information or treatment information, including
22 medical and psychological information, or information and
23 records specified in section 9104 (relating to scope).

24 * * *

25 Section 3 2. Title 18 is amended by adding a section to
26 read:

27 § 9112.1. Mandatory determination of citizenship and
28 immigration status of certain arrestees.

29 (a) Inquiry.--An arresting authority shall inquire into the
30 citizenship and immigration status of any person arrested for a

1 felony or any offense involving violence or a minor.
2 Verification of immigration status shall be done without regard
3 to the person's national origin, ethnicity or race. If an
4 arrestee cannot demonstrate that he or she is a citizen or
5 national of the United States, the arresting authority shall
6 verify with the Federal Government, under section 642(c) of the
7 Illegal Immigration Reform and Immigrant Responsibility Act of
8 1996 (Public Law 104-208, 110 Stat. 3009-672), whether the
9 person is an alien and, if so, whether the alien is lawfully or
10 unlawfully present in the United States. The following
11 information shall be forwarded to, and in a manner and such form
12 as provided by the central repository:

13 (1) the determination of citizenship or immigration
14 status; or

15 (2) the inability to determine citizenship or
16 immigration status in cases where the determination would
17 significantly expand the duration of the detention.

18 (b) Cooperation with Federal immigration authorities.--An
19 arresting authority shall fully comply with and, to the full
20 extent permitted by law, support the enforcement of Federal law
21 prohibiting the entry into, presence or residence in the United
22 States of aliens in violation of Federal law. If an alien is
23 verified to be unlawfully present in the United States under
24 subsection (a), the arresting authority shall cooperate with any
25 request by Federal immigration authorities to detain the alien
26 or transfer the alien to the custody of the Federal Government.

27 (c) Authorization.--Pursuant to section 642 of the Illegal
28 Immigration Reform and Immigrant Responsibility Act of 1996 and
29 section 434 of the Personal Responsibility and Work Opportunity
30 Reconciliation Act of 1996 (Public Law 104-193, 110 Stat. 2105),

1 no arresting authority agencies may be prohibited or in any way
2 restricted from sending, receiving or maintaining information
3 regarding the immigration status, lawful or unlawful, of any
4 individual or exchanging the information with any other Federal,
5 State or local government entity. No city, county or State law
6 enforcement agency may by ordinance, official policy or informal
7 policy prevent its officers from asking individuals their
8 citizenship or immigration status.

9 (d) Uniform crime reporting.--Statistical information
10 concerning citizenship and immigration status under this section
11 shall be included in the Pennsylvania Uniform Crime Reporting
12 Program and published in any annual report under the act of
13 November 29, 2004 (P.L.1383, No.180), known as the Uniform Crime
14 Reporting Act.

15 Section 4 3. This act shall take effect in 60 days.

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