

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1191 Session of
2019

INTRODUCED BY KNOWLES, RYAN, MILLARD, DUNBAR, KEEFER, STAATS,
MACKENZIE, BARRAR, BERNSTINE, KAUFFMAN, ZIMMERMAN, METCALFE,
WARNER, B. MILLER AND HEFFLEY, APRIL 11, 2019

REFERRED TO COMMITTEE ON EDUCATION, APRIL 11, 2019

AN ACT

1 Amending Title 24 (Education) of the Pennsylvania Consolidated
2 Statutes, providing for the role of institutions of higher
3 education in immigration enforcement, for restrictions on
4 immigration policies and for duties of the Department of
5 Education.

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

8 Section 1. Title 24 of the Pennsylvania Consolidated
9 Statutes is amended by adding a chapter to read:

10 CHAPTER 67

11 SANCTUARY CAMPUSES

12 Sec.

13 6701. Definitions.

14 6702. Enforcement assistance.

15 6703. Prohibition.

16 6704. Duty of department.

17 § 6701. Definitions.

18 The following words and phrases when used in this chapter

19 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Institution of higher education." Any of the following:

3 (1) A community college which is an institution now or
4 hereafter created under Article XIX-A of the act of March 10,
5 1949 (P.L.30, No.14), known as the Public School Code of
6 1949, or the act of August 24, 1963 (P.L.1132, No.484), known
7 as the Community College Act of 1963.

8 (2) An independent institution of higher education which
9 is an institution of higher education located in and
10 incorporated or chartered by the Commonwealth, entitled to
11 confer degrees as set forth in section 6505 (relating to
12 power to confer degrees) and entitled to apply to itself the
13 designation "college," "university" or "seminary" as provided
14 for by standards and qualifications prescribed by the State
15 board under Chapter 65 (relating to private colleges,
16 universities and seminaries).

17 (3) A State-owned institution.

18 (4) A State-related institution.

19 § 6702. Enforcement assistance.

20 The following may assist in the enforcement of each law,
21 mandate, request and order of the Federal Government relating to
22 immigration, if the law, mandate, request or order does not
23 conflict with the rights guaranteed under the Constitution of
24 the United States or the Constitution of Pennsylvania:

25 (1) The governing body of an institution of higher
26 education.

27 (2) An officer or employee of an institution of higher
28 education.

29 (3) A law enforcement official or a law enforcement
30 agency for an institution of higher education.

1 § 6703. Prohibition.

2 (a) Immigration policy.--The governing body of an
3 institution of higher education may not adopt a rule, order or
4 policy which does any of the following:

5 (1) Prohibits the enforcement of a Federal law or the
6 laws of this Commonwealth pertaining to an immigrant or
7 immigration.

8 (2) Refuses access by Federal authorities to a campus.

9 (3) Directs employees of an institution of higher
10 education not to communicate, coordinate or cooperate with
11 Federal authorities regarding an individual's immigration
12 status.

13 (4) Applies an adverse employment action against an
14 employee of an institution of higher education for
15 communicating, coordinating or cooperating with Federal
16 authorities regarding an immigration issue.

17 (b) Certification.--Each institution of higher education
18 shall annually provide the department with information
19 certifying compliance with subsection (a). The information shall
20 be provided in a form and manner prescribed by the department.

21 (c) Eligibility.--An institution of higher education shall
22 not be eligible for funding through a State appropriation if:

23 (1) the institution is in violation of any of the
24 provisions under subsection (a) at a campus in this
25 Commonwealth; or

26 (2) the institution fails to submit the required
27 certification.

28 (d) Reinstatement.--The eligibility of an institution of
29 higher education to receive State funds may be restored if the
30 institution demonstrates compliance with the requirements of

this section. An institution of higher education determined to
be in violation of any of the provisions under subsection (a)
must provide proof satisfactory to the department that it has
rescinded the prohibited rule, order or policy.

§ 6704. Duty of department.

The department shall:

(1) Develop procedures for reporting violations of
section 6703(a) (relating to prohibition).

(2) Maintain records of all reports of alleged
violations and the action taken to resolve the alleged
violation.

(3) Report institutions of higher education in violation
of this chapter to the Secretary of the Budget for the
purpose of suspending payment of State-appropriated funds.

Section 2. This act shall take effect in 60 days.