

HOUSE BILL NO. HB0105

Prohibition on sanctuary cities and counties.

Sponsored by: Representative(s) Gray, Biteman, Blackburn, Clem, Edwards, Jennings, Miller and Salazar and Senator(s) Hicks

A BILL

for

1 AN ACT relating to cities, towns and counties; prohibiting
2 the implementation of immigration sanctuary policies by
3 cities, towns and counties; providing penalties; requiring
4 certification of compliance; requiring a report; and
5 providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 15-1-131 and 18-2-116 are created to
10 read:

11

12 **15-1-131. Prohibition on immigration sanctuary**
13 **policies by cities and towns; certification of compliance.**

14

1 (a) No governing body of a city or town, whether
2 acting through its governing body or by an initiative,
3 referendum or any other process, shall enact, adopt,
4 implement or enforce any policy that prohibits or restricts
5 local officials or employees from communicating or
6 cooperating with federal officials or law enforcement
7 officers with regard to reporting immigration status
8 information while the local official or employee is acting
9 within the scope of their official duties.

10

11 (b) Any governing body of a city or town that acts in
12 violation of this section shall be subject to the
13 withholding of state funding and state administered federal
14 funding, unless otherwise specifically provided by law.

15

16 (c) Any state agency that provides funding to cities
17 or towns shall require certification of compliance with
18 this section as a condition of funding.

19

20 (d) As used in this section:

21

22 (i) "Federal officials or law enforcement
23 officers" means any person employed by the United States

1 government for the purpose of enforcing or regulating
2 federal immigration laws and any peace officer as defined
3 in W.S. 7-2-101(a)(iv) when the person or peace officer is
4 acting within the scope of their employment for the purpose
5 of enforcing federal immigration laws or preserving
6 homeland security;

7

8 (ii) "Immigration status" means the legality or
9 illegality of an individual's presence in the United States
10 as determined by federal law;

11

12 (iii) "Immigration status information" means any
13 information which is not confidential or privileged by law
14 including any statement, document, computer generated data,
15 recording or photograph that is relevant to immigration
16 status or the identity or location of an individual who is
17 reasonably believed to be illegally residing within the
18 United States or who is involved in international or
19 domestic terrorism as defined in 18 U.S.C. 2331;

20

21 (iv) "Local official or employee" means any
22 elected or appointed official, supervisor or managerial

1 employee, contractor, agent or certified peace officer
2 acting on behalf of or in conjunction with a city or town;

3

4 (v) "Policy" means any regulation, rule, policy
5 or practice adopted by the governing body of a city or
6 town.

7

8 **18-2-116. Prohibition on immigration sanctuary**
9 **policies by counties; certification of compliance.**

10

11 (a) No governing body of a county, whether acting
12 through its governing body or by an initiative, referendum
13 or any other process, shall enact, adopt, implement or
14 enforce any policy that prohibits or restricts local
15 officials or employees from communicating or cooperating
16 with federal officials or law enforcement officers with
17 regard to reporting immigration status information while
18 the local official or employee is acting within the scope
19 of their official duties.

20

21 (b) As used in this section:

22

1 (i) "Federal officials or law enforcement
2 officers" means any person employed by the United States
3 government for the purpose of enforcing or regulating
4 federal immigration laws and any peace officer as defined
5 in W.S. 7-2-101(a)(iv) when the person or peace officer is
6 acting within the scope of their employment for the purpose
7 of enforcing federal immigration laws or preserving
8 homeland security;

9
10 (ii) "Immigration status" means the legality or
11 illegality of an individual's presence in the United States
12 as determined by federal law;

13
14 (iii) "Immigration status information" means any
15 information which is not confidential or privileged by law
16 including any statement, document, computer generated data,
17 recording or photograph that is relevant to immigration
18 status or the identity or location of an individual who is
19 reasonably believed to be illegally residing within the
20 United States or involved in international or domestic
21 terrorism as defined in 18 U.S.C. 2331;

22

1 (iv) "Local official or employee" means any
2 elected or appointed official, supervisor or managerial
3 employee, contractor, agent or certified peace officer
4 acting on behalf of or in conjunction with a city or town;

5

6 (v) "Policy" means any regulation, rule, policy
7 or practice adopted by the governing body of a county.

8

9 **Section 2.** Not later than July 1, 2018, each city,
10 town and county shall certify to the secretary of state
11 that it is in compliance with W.S. 15-1-131 or 18-2-116, as
12 applicable. The secretary of state shall report any city,
13 town or county that fails to make a certification in
14 accordance with this section to the governor and the joint
15 corporations, elections and political subdivisions interim
16 committee.

17

18 **Section 3.** This act is effective immediately upon
19 completion of all acts necessary for a bill to become law
20 as provided by Article 4, Section 8 of the Wyoming
21 Constitution.

22

23

(END)