

HOUSE BILL NO. HB0133

Sanctuary cities, counties and state-prohibition.

Sponsored by: Representative(s) Guggenmos, Angelos, Brown, G, Filer, Geringer, Hoeft, Kelly, Lucas, Singh, Smith, S, Styvar, Webb and Webber and Senator(s) Nethercott, Salazar and Smith, D

A BILL

for

1 AN ACT relating to administration of the government;
2 prohibiting the implementation of immigration sanctuary
3 policies by cities, towns, counties and the state;
4 prohibiting the designation of sanctuary cities, towns,
5 counties and the state; creating a new felony offense;
6 providing penalties; providing definitions; making
7 conforming amendments; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 9-25-101 and 9-25-102 are created to
12 read:

13

14

CHAPTER 25

1 PROHIBITION ON IMMIGRATION SANCTUARIES

2

3 **9-25-101. Definitions.**

4

5 (a) As used in this chapter:

6

7 (i) "Executive order" means a directive, order,
8 policy or proclamation that manages the operation of the
9 state government issued by the governor;

10

11 (ii) "Federal officials" or "federal law
12 enforcement officers" means any person employed by the
13 United States government or any agency or department
14 thereof for the primary purpose of enforcing or regulating
15 federal immigration laws and any peace officer as defined
16 in W.S. 7-2-101(a)(iv) when the person or peace officer is
17 acting within the scope of employment to enforce federal
18 immigration laws;

19

20 (iii) "Immigration status" means the legality or
21 illegality of a person's presence in the United States as
22 determined by federal law;

23

1 (iv) "Immigration status information" means any
2 information that is not confidential or privileged by law
3 including any statement, document, computer generated data,
4 recording or photograph that is relevant to immigration
5 status or the identity or location of a person who is
6 reasonably believed to be illegally residing within the
7 United States or involved in international terrorism or
8 domestic terrorism as defined in 18 U.S.C. § 2331;

9

10 (v) "Local official or employee" means any
11 elected or appointed official, supervisor or managerial
12 employee or peace officer, contractor or agent or acting on
13 behalf of or in conjunction with a city, town or county;

14

15 (vi) "Policy" means any regulation, rule,
16 ordinance, policy or practice adopted by the governing body
17 of a city, town or county;

18

19 (vii) "Sanctuary city, town or county" or
20 "sanctuary state" means a jurisdiction that limits or
21 refuses to communicate or cooperate with federal officials
22 or law enforcement officers regarding the reporting of
23 immigration status information.

1

2 **9-25-102. Prohibition on immigration sanctuary**
3 **policies and designations; penalty.**

4

5 (a) No governing body of a city, town or county,
6 whether acting through its governing body or by an
7 initiative, referendum or other process, shall:

8

9 (i) Enact, adopt, implement or enforce any
10 policy that prohibits or restricts local officials or
11 employees from communicating or cooperating with federal
12 officials or law enforcement officers with regard to
13 reporting immigration status information while the local
14 official or employee is acting within the scope of the
15 official's or employee's official duties;

16

17 (ii) Declare or designate the city, town or
18 county as a sanctuary city, town or county.

19

20 (b) Upon a determination by the governor, with a
21 recommendation from the attorney general, that a governing
22 body of a city, town or county has violated subsection (a)
23 of this section, the governor shall require the office of

1 state lands and investments and the department of revenue
2 to withhold all state and state administered federal
3 funding directly paid to the city, town or county, unless
4 otherwise specifically provided by law, until the city,
5 town or county complies with subsection (a) of this
6 section. After a city, town or county complies with
7 subsection (a) of this section, the office of state lands
8 and investments and the department of revenue shall resume
9 distribution of state and state administered federal
10 funding directly paid to the city, town or county but the
11 office of state lands and investments and the department of
12 revenue shall not distribute funds that were withheld
13 during the period of noncompliance with this section to the
14 city, town or county that violated subsection (a) of this
15 section. The department of revenue shall distribute funds
16 that were withheld on a pro rata basis to the other
17 receiving cities, towns or counties who are in compliance
18 with this section.

19

20 (c) No state employee shall be prohibited or
21 restricted from communicating or cooperating with federal
22 officials or law enforcement officers with regard to
23 reporting immigration status information while the state

1 employee is acting within the scope of the employee's
2 official duties.

3

4 (d) No executive order shall declare or designate the
5 state of Wyoming as a sanctuary state.

6

7 (e) Any local official or employee who refuses to
8 communicate or cooperate with federal officials or law
9 enforcement officers with regard to reporting immigration
10 status information while the local official or employee is
11 acting within the scope of the official's or employee's
12 official duties shall be guilty of a felony punishable by
13 imprisonment for not less than five (5) years and not more
14 than ten (10) years, a fine of not more than twenty
15 thousand dollars (\$20,000.00), or both.

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17 **Section 2.** W.S. 22-24-301 and 22-24-401 are amended
18 to read:

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20 **22-24-301. Right of initiative; limitations.**

21

22 The people may propose and enact laws by the initiative.

23 However, the initiative shall not be used to dedicate

1 revenues, make or repeal appropriations, create courts,
2 define the jurisdiction of courts or prescribe their rules,
3 enact local or special legislation, enact anything
4 prohibited by the constitution for enactment by the
5 legislature, enact immigration sanctuary laws prohibited by
6 W.S. 9-25-102 or enact anything that is substantially the
7 same as that defeated by an initiative election within five
8 (5) years preceding the time of filing of the petition.

9

10 **22-24-401. Right of referendum; limitations.**

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12 The people may approve or reject acts of the legislature by
13 the referendum. However, the referendum shall not be
14 applied to dedications of revenue, to appropriations, to
15 local or special legislation, to immigration sanctuary laws
16 prohibited by W.S. 9-25-102 or to laws necessary for the
17 immediate preservation of the public peace, health or
18 safety.

19

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

5

6

(END)