

SB 71-FN - AS INTRODUCED

2025 SESSION

25-0226
09/05SENATE BILL ***71-FN***

AN ACT relative to cooperation with federal immigration authorities.

SPONSORS: Sen. Gannon, Dist 23; Sen. Abbas, Dist 22; Sen. Avar, Dist 12; Sen. Birdsell, Dist 19; Sen. Gray, Dist 6; Sen. Innis, Dist 7; Sen. Lang, Dist 2; Sen. McConkey, Dist 3; Sen. Pearl, Dist 17; Sen. Rochefort, Dist 1; Sen. Sullivan, Dist 18; Sen. McGough, Dist 11; Sen. Murphy, Dist 16; Sen. Ricciardi, Dist 9; Rep. Khan, Rock. 30; Rep. Weyler, Rock. 14; Rep. Vose, Rock. 5; Rep. Litchfield, Rock. 32; Rep. L. Walsh, Rock. 15

COMMITTEE: Judiciary

ANALYSIS

This bill provides that unless expressly prohibited by state or federal law, local governmental entities may not prohibit or impede any state or federal law enforcement agency from complying with federal immigration laws, provides for remedies for violations.



Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struck through]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

25-0226
09/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to cooperation with federal immigration authorities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Chapter; Anti-Sanctuary City Act. Amend RSA by inserting after chapter 106-O the following new chapter:

CHAPTER 106-P

ANTI-SANCTUARY CITY ACT

106-P:1 Definitions. In this chapter:

I. "Law enforcement agency" means any agency charged with enforcement of state, county, municipal, or federal laws or with managing custody of detained persons in this state and includes municipal police departments, sheriff's offices, state police departments, state university and college police departments, county correctional agencies, and the department of corrections.

II. "Local governmental entity" means any county, municipality, or other political subdivision of this state.

106-P:2 Prohibition of Sanctuary Policies.

Except as otherwise expressly prohibited by state or federal law, local governmental entities may not prohibit or impede any state or federal law enforcement agency from complying with title 8 of the United States Code.

106-P:3 Enforcement.

- I. Any local governmental entity that violates this chapter may be subject to action by the attorney general, who may file suit against a local governmental entity in a court of competent jurisdiction for a violation of this chapter. Relief for violations of this chapter shall be determined by the court and may include injunctive relief and punitive damages. Punitive damages may include a fine of up to 25 percent of the total state funds received by the local government entity in the fiscal year when the violation occurred. Any fines collected for violations of this chapter shall be lapsed to the general fund of the state of New Hampshire.
- II. An order approving a consent decree or granting an injunction shall include written findings of fact that describe with specificity the existence and nature of the sanctuary policy that violates this chapter.
- 2 Effective Date. This act shall take effect January 1, 2026.

LBA
25-0226
Revised 1/27/25

SB 71-FN- FISCAL NOTE
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FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
Revenue Fund(s)	None			
Expenditures*	\$0	Indeterminable		
Funding Source(s)	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
Funding Source(s)	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill provides that local governmental entities may not prohibit or impede state or federal law enforcement agencies from complying with Title 8 of the United States Code, which applies to the enforcement of immigration-related laws. Violation of this proposed Chapter may result in an enforcement action by the Attorney General, who may seek injunctive relief and/or punitive damages. The Department of Justice states it is uncertain what the number of enforcement actions may be, therefore this bill’s impact on state expenditures is indeterminable. The Department states that if there are larger levels of enforcement actions, its litigation budget may increase up to \$100,000, and the Department of Justice would need an attorney to oversee those actions. The Department estimates the total cost of an unclassified assistant attorney general position to be approximately \$133,000 per year.

AGENCIES CONTACTED:

Department of Justice