

HB 511-FN - AS AMENDED BY THE HOUSE

6Feb2025... 0079h

2025 SESSION

25-0594
09/11HOUSE BILL ***511-FN***

AN ACT relative to cooperation with federal immigration authorities.

SPONSORS: Rep. Sweeney, Rock. 25; Rep. Berry, Hills. 44; Rep. McFarlane, Graf. 18; Rep. T. Walsh, Merr. 10; Sen. Abbas, Dist 22; Sen. Gannon, Dist 23

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill:

I. Requires law enforcement agencies to comply with immigration detainers of inmates if safe to do so and prohibits state and local government entities from adopting sanctuary policies to prohibit or impede the enforcement of federal immigration law.



II. Prohibits New Hampshire law enforcement agencies from investigating an inmate's citizenship status unless subsequent to an alleged violation of New Hampshire law or pursuant to an authorization by law.

III. Prohibits blanket policies against compliance with immigration detainers for inmates and prohibits any government entity or law enforcement agency from restricting the use and transmission of inmate immigration information used in compliance with the chapter.

IV. Provides exceptions for certain witnesses to or victims of crime.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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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 Act. Amend RSA by inserting after chapter 106-O the following new chapter:

CHAPTER 106-P

ANTI-SANCTUARY ACT

106-P:1 Definitions. In this chapter:

I. "Federal immigration agency" means the United States Department of Justice and the United States Department of Homeland Security, a division within such an agency, including United States Immigration and Customs

Enforcement and United States Customs and Border Protection, any successor agency, and any other federal agency charged with the enforcement of immigration law.

II. “Immigration detainer” means a facially sufficient written or electronic request issued by a federal immigration agency using that agency’s official form to request that another law enforcement agency detain a person based on probable cause to believe that the person to be detained is a removable alien under federal immigration law, including detainers issued pursuant to 8 U.S.C. sections 1226 and 1357 along with a warrant described in subparagraph (c). For the purpose of this section, an immigration detainer shall be deemed facially sufficient if:

(a) The federal immigration agency’s official form is complete and indicates on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law; or

(b) The federal immigration agency’s official form is incomplete and fails to indicate on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law, but is supported by an affidavit, order, or other official documentation that indicates that the federal immigration agency has probable cause to believe that the person to be detained is a removable alien under federal immigration law; and

(c) The federal immigration agency supplies with its detention request a Form I-200 Warrant for Arrest of Alien or a Form I- 205 Warrant of Removal/Deportation or a successor warrant or other warrant authorized by federal law.

III. “Inmate” means a person in the custody of a law enforcement agency.

IV. “Law enforcement agency” means an agency in this state 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.

V. “Local governmental entity” means any county, municipality, or other political subdivision of this state.

VI. “Sanctuary policy” means a law, policy, practice, procedure, or custom adopted or allowed by a state entity or local governmental entity which prohibits or impedes a law enforcement agency from complying with 8 U.S.C. section 1373 or which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit such law enforcement agency in, or prohibit the agency from:

(a) Complying with an immigration detainer;

(b) Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency;

(c) Providing a federal immigration agency access to an inmate for interview;

(d) Participating in any program or agreement authorized under section 287 of the Immigration and Nationality Act, 8 U.S.C. section 1357; or

(e) Providing a federal immigration agency with an inmate’s incarceration status or release date.

VII. “State entity” means any county, city, municipality, town, village, village district, special district, or other political subdivision of this state, including law enforcement agencies. The term shall include officials, officers, representatives, agents, and employees.

106-P:2 Prohibition of Sanctuary Policies.

No state government entity, local government entity, or law enforcement agency shall knowingly enact, issue, adopt, promulgate, enforce, permit, endorse, maintain, or have in effect any sanctuary policy.

106-P:3 Cooperation with Federal Immigration Authorities.

I. A law enforcement agency shall to the extent possible and their ability to safely do so, comply with immigration detainers for an inmate discovered during the investigation of a violation of New Hampshire law. Unless otherwise authorized by law, no New Hampshire law enforcement agency shall investigate or take part in investigations related to an inmate’s citizenship status, unless it is subsequent to an alleged violation of New Hampshire law. No agency shall have an explicit or implied blanket policy against honoring immigration detainers for inmates. Any agency refusing to honor an immigration detainer for an inmate shall report each such refusal to the attorney general in a time, form, and manner to be prescribed by him or his designee.

II. Except as otherwise expressly prohibited by federal law, a state entity, local governmental entity, or law enforcement agency, or an employee, an agent, or a representative of the entity or agency, may not prohibit or in any way restrict a law enforcement agency from taking any of the following actions with respect to information regarding an inmate’s immigration status:

- (a) Sending the information to or requesting, receiving, or reviewing the information from a federal immigration agency for the purposes of this chapter.
- (b) Recording and maintaining the information for purposes of this chapter.
- (c) Exchanging the information with a federal immigration agency or another state entity, local governmental entity, or law enforcement agency for purposes of this chapter.
- (d) Using the information to comply with an immigration detainer.
- (e) Using the information to confirm the identity of a person who is detained by a law enforcement agency.

III. This section does not apply to any alien unlawfully present in the United States if he or she is or has been a necessary witness or victim of a crime of domestic violence, rape, sexual exploitation, sexual assault, murder, manslaughter, assault, battery, human trafficking, kidnapping, false imprisonment, involuntary servitude, fraud in foreign labor contracting, blackmail, extortion, or witness tampering, unless an immigration detainer is on file for the person and the nature of the reason for the detainer is that the person is wanted for involvement in a similar crime to those listed, or the person is wanted for reasons related to terrorism, or the person is noted as being dangerous on the detainer, or the totality of the circumstances would lead a reasonable officer to conclude that the person’s release would put the public in danger. In any such case, the agency shall work with the federal immigration authorities to help ensure the availability of the person to participate in the prosecution of the state crime.

106-P:4 Enforcement.

I. Any executive or administrative state, county, or municipal officer who violates his or her duties under this chapter may be subject to action by the attorney general, who may file suit against a local governmental entity or local law enforcement agency in a court of competent jurisdiction for declaratory or injunctive relief for a violation of this chapter.

II. If a local governmental entity or local law enforcement agency violates this chapter, the court shall enjoin the unlawful sanctuary policy. The court has continuing jurisdiction over the parties and subject matter and may enforce its orders with the initiation of contempt proceedings as provided by law.

III. 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
25-0594
1/4/25

HB 511-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to cooperation with federal immigration authorities.

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		

<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

Expenditure = Cost of bill**Appropriation = Authorized funding to cover cost of bill****METHODOLOGY:**

This bill prohibits state and local government entities from adopting sanctuary policies to prohibit or impede the enforcement of federal immigration law, and provides the Attorney General may file suit against a local governmental entity or local law enforcement agency in a court of competent jurisdiction for declaratory or injunctive relief for a violation. The Department of Justice states any fiscal impact would be proportional to the number of enforcement actions brought and the corresponding personnel and litigation costs associated with each action. The number of potential enforcement actions that would result from the enactment of this bill is unknown, therefore, the impact on the Department's budget is indeterminable. The Department states a small number of enforcement actions may be absorbed by the present staffing levels and litigation budget, however, if this bill results in a significant number of enforcement actions, the Department will require an additional attorney in the Bureau of Civil Law and an increase in the Department's litigation budget (up to \$100,000). The Department states the cost of an unclassified assistant attorney general position is approximately \$132,000 per year.

The Judicial Branch states it is not possible to estimate how this change in law would impact the number of filings in the courts. Because the bill creates a new enforcement action, it is expected that litigation costs will increase.

**AGENCIES CONTACTED:**

Department of Justice and Judicial Branch