

2020 -- S 2536

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND SANCTUARY  
STATE ACT

Introduced By: Senators Bell, Quezada, Cano, Crowley, and Nesselbush

Date Introduced: February 25, 2020

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. The general assembly makes the following findings and declarations:

2 (1) The state of Rhode Island declares itself a sanctuary state that welcomes and values  
3 undocumented Rhode Islanders as part of our community.

4 (2) Immigrants are valuable and essential members of the Rhode Island community.

5 (3) A relationship of trust between Rhode Island's immigrant community and state and  
6 local agencies is central to the public safety of the people of Rhode Island.

7 (4) This trust is threatened when state and local agencies are entangled with federal  
8 immigration enforcement, with the result that immigrant community members fear approaching  
9 police when they are victims of, or witnesses to, crimes, seeking basic health services, or attending  
10 school, all to the detriment of public safety and well-being of all Rhode Islanders.

11 (5) State and local participation in federal immigration enforcement programs also raises  
12 constitutional concerns, including the prospect that Rhode Island residents could be detained in  
13 violation of the Fourth Amendment of the United States Constitution, targeted on the basis of race  
14 or ethnicity in violation of the Equal Protection Clause, or denied access to education based on  
15 immigration status.

16 (6) Entangling state and local agencies with federal enforcement programs diverts already  
17 limited resources and blurs the lines of accountability and roles of local, state and federal  
18 governments.

1 (7) This act seeks to ensure effective policing, to protect the safety, well-being and  
2 constitutional rights of the people of Rhode Island, and to direct the state's limited resources to  
3 matters of general concern to state and local governments.

4 SECTION 2. Title 42 of the General Laws entitled "STATE AFFAIRS AND  
5 GOVERNMENT" is hereby amended by adding thereto the following chapter:

6 CHAPTER 160

7 RHODE ISLAND VALUES ACT: ENHANCED COMMUNITY PROTECTION IN  
8 IMMIGRATION ENFORCEMENT ACTION

9 **42-160-1. Definitions.**

10 The following terms have the following meanings:

11 (1) "Civil immigration warrant" means any warrant for a violation of federal civil  
12 immigration law, and includes civil immigration warrants entered in the National Crime  
13 Information Database.

14 (2) "Courts" mean any state or local court.

15 (3) "Federal immigration authority" means any officer, employee, or person otherwise paid  
16 by or acting as an agent of United States Immigration and Customs Enforcement or United States  
17 Custom and Border Protection or any division or designee thereof, or any other officer, employee,  
18 or person otherwise paid by or acting as an agent of the United States Department of Homeland  
19 Security who is charged with immigration enforcement.

20 (4) "Health facilities" means any medical treatment facility, including hospitals, health care  
21 clinics, or urgent care facilities, doctors' offices, substance abuse treatment facilities or any facility  
22 that provides medical or mental health care.

23 (5) "Immigration enforcement" means and includes any and all efforts to investigate,  
24 enforce, or assist in the investigation or enforcement of any federal civil immigration law and any  
25 federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or  
26 employment in, the United States including, but not limited to, violations of Sections 1259, 1324c,  
27 1325, or 1326 of Title 8 of the United States Code (8 U.S.C. §§ 1259, 1324, 1325 and 1326).

28 (6) "Judicial warrant" means a warrant based on probable cause and issued by a federal  
29 judge or a federal magistrate judge that authorizes federal immigration authorities to take into  
30 custody the person who is the subject of the warrant.

31 (7) "Places of worship" means any facility rented, owned or leased where religious services  
32 or ceremonies take place. This would include, but not be limited to, such events as marriages,  
33 funerals, and baptisms.

34 (8) "Schools" means any public, private or charter school, including independent, district

1 charter schools and mayoral academies, pre-schools and other early learning programs, known and  
2 licensed daycares, primary or secondary schools and institutions of higher education, as well as  
3 scholastic or education-related activities or events.

4 **42-160-2. Sensitive locations – Prohibition on enforcing immigration laws.**

5 (a) Rhode Island schools, places of worship, health facilities and courts shall not grant  
6 access to their premises, for any federal immigration authority to investigate, detain, apprehend, or  
7 arrest any individuals for potential violations of federal immigration laws, unless the federal  
8 immigration authority presents a judicial warrant that clearly identifies the individual which the  
9 federal authority seeks to locate, serve, or apprehend.

10 (b) It shall be unlawful for any state or municipal law enforcement agency, any agency  
11 acting in concert with any state or municipal law enforcement agency, or any agency of the state  
12 or any municipality to utilize public funds or resources to enforce federal immigration laws.

13 (c) It shall be unlawful for any state or municipal law enforcement agency, any agency  
14 acting in concert with any state or municipal law enforcement agency, any agency of the state or  
15 any municipality, any courthouse, jail, prison, school or their employees, agents, contractors or any  
16 other person acting under color of authority for any such agency to engage in joint operations with  
17 federal immigration authorities, including, but not limited to, the United States Immigration and  
18 Customs Enforcement (ICE), the United States Customs and Border Protection (CBP) and/or the  
19 Department of Homeland Security (DHS), (collectively, federal immigration authorities) to enforce  
20 federal immigration laws.

21 (d) It shall be unlawful, pursuant to subsections (a), (b) and (c) of this section, for any state  
22 or municipal law enforcement agency, any agency acting in concert with any state or municipal  
23 law enforcement agency, any agency of the state or municipality, any courthouse, jail, prison,  
24 school or their employees, agents, contractors or any other person acting under color of authority  
25 for any such agency to do the following:

26 (1) Detain any individual for deportation;

27 (2) Contact federal immigration authorities, for purposes of immigration enforcement;

28 (3) Ask arrestees their place of birth or for proof of citizenship;

29 (4) Provide federal immigration authorities with a list of arrestees;

30 (5) Allow federal immigration authorities access to their premises unless presented with an  
31 arrest warrant, issued upon probable cause, naming a specific individual;

32 (6) Share any personal data, bulk or individual, including state-issued IDs, licenses, names,  
33 addresses, dates of birth, fingerprints and biometric information with federal immigration  
34 authorities; or

1           (7) Grant federal immigration authorities access to any facial recognition technology used,  
2 utilized or managed by law enforcement;

3           (e) Any state or municipal law enforcement agency, any agency acting in concert with any  
4 state or municipal law enforcement agency, any agency of the state or municipality, any courthouse,  
5 jail, prison, school or their employees, agents, contractors or any other person acting under color  
6 of authority for any such agency that shares any information specific to any particular individual  
7 with federal immigration authorities shall be required to inform the individual(s) whose information  
8 was shared, that it was shared and for what purpose.

9           (f) Every state or municipal law enforcement agency, courthouse, jail, prison and school  
10 shall designate or authorize personnel that shall review the presented judicial warrant and consent  
11 to the federal immigration authority's access to the premises.

12           **42-160-3. Limited exception.**

13           (a) The prohibited right to access to sensitive locations established by this chapter shall not  
14 apply when the federal immigration authority is acting in response to a specific act of terrorism,  
15 national security threat or when there is the threat of imminent danger of violence to the United  
16 States.

17           (b) Any exception under subsection (a) of this section shall require federal immigration  
18 authorities to provide advance notice of anticipated action to the Rhode Island attorney general, as  
19 the chief law enforcement officer for the state.

20           **42-160-4. Severability.**

21           If any provision of this chapter or the application thereof to any person or circumstances is  
22 held invalid, such invalidity shall not affect other provisions or application of the chapter, which  
23 can be given effect without the invalid provision or application, and to this end the provisions of  
24 this chapter are declared to be severable.

25           SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND SANCTUARY  
STATE ACT

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1           This act would designate schools, places of worship and courts as sensitive locations and  
2 would require that a judicial warrant be obtained before federal immigration authorities could be  
3 granted access to those premises to enforce immigration laws. It would also prohibit state and local  
4 law enforcement agencies from cooperating with federal immigration authorities in enforcing  
5 federal immigration laws, would prohibit agencies of the state from providing personal identifying  
6 information, lists of arrestees, or from contacting federal immigration authorities about  
7 undocumented individuals. It would provide an exemption in response to a specific act of terrorism,  
8 national security threat or when there is the threat of imminent danger of violence to the United  
9 States.

10           This act would take effect upon passage.

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