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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO CRIMINAL PROCEDURE - IMMIGRANT ASSISTANCE IN CRIME
FIGHTING

Introduced By: Senators Pichardo, Metts, Jabour, Crowley, and Nesselbush

Date Introduced: February 01, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 12 of the General Laws entitled "CRIMINAL PROCEDURE" is
2 hereby amended by adding thereto the following chapter:

3 CHAPTER 32

4 IMMIGRANT ASSISTANCE IN CRIME FIGHTING ACT

5 **12-32-1. Short title.** – This act shall be known and may be cited as the “Immigrant
6 Assistance in Crime Fighting Act”

7 **12-32-2. Legislative findings.** – (a) The general assembly hereby finds that the
8 cooperation of all members of the community, regardless of immigration status, is essential to law
9 enforcement; and

10 (b) Currently, both documented and undocumented immigrants are less likely to report
11 violations of state and local law because of the fear that complainants and witnesses may be
12 harassed by federal immigration authorities.

13 **12-32-3. Purpose.** – This chapter is intended to promote the safety and health of all
14 residents by making it more likely that immigrants will report violations of state and local law.

15 **12-32-4. Definitions.** – (a) “Immigration status” means questions relating to an
16 individual’s status in regard to United States citizenship, citizenship of any other country, legal
17 right to reside or otherwise be present in the United States, and the time and manner of a person’s
18 entry into the United States.

1 **(b) “Local government” means the government of cities, municipalities, counties and all**
2 **other subdivisions of government throughout the state.**

3 **12-32-5. Protection of immigrant complainants and witnesses. – (a) No law**
4 **enforcement or other agent of state or local government shall inquire into the immigration status**
5 **of any person who complains of, or is a witness to, a violation of state or local law.**

6 **(b) No law enforcement or other agent of state or local government shall ask a**
7 **complainant or witness for their social security number or other information that might disclose a**
8 **complainant or witnesses’ immigration status.**

9 **(c) During the course of any court proceedings, the state or local government shall**
10 **oppose efforts of any party to discover a complainant’s or witness’s immigration status, and shall**
11 **seek a protective order or other similar relief.**

12 **(d) If an agent of state or local government must know a complainant’s immigration**
13 **status for a legitimate law enforcement reason, the agent shall keep that status confidential and**
14 **not disclose that information to third parties, including to other government agents, unless**
15 **required by federal law.**

16 **(e) Law enforcement officers may inquire into the immigration status of a person when**
17 **an officer has reasonable grounds to believe that the person:**

18 **(1) Has been convicted of a felony criminal law violation;**

19 **(2) The person was deported or left the United States after the conviction; and**

20 **(3) The person is again present in the United States.**

21 **(f) Nothing in this section shall be construed to prevent government agents from knowing**
22 **a person’s immigration status, or viewing a document that might provide evidence of a person’s**
23 **immigration status, as long as the person volunteered the information or document to the**
24 **government agent.**

25 **12-32-6. Training of law enforcement and other government agents. – (a) The state**
26 **and each local government shall train its law enforcement and other government agents to**
27 **understand and comply with the provisions of this section.**

28 **(b) The state and local government shall work closely with organizations that serve**
29 **immigrant communities in the design of this training.**

30 **(c) The state and local government shall make reasonable efforts to work with**
31 **community-based organizations in order to educate the immigrant community about this policy.**

32 **12-32-7. Preempted and superseding law. – (a) The provisions of this chapter shall not**
33 **apply to a circumstance where an inquiry into immigration status is required under federal law.**

34 **(b) The provisions of this chapter shall supersede all conflicting state and local statutes,**

1 ordinances, rules, policies and practices.

2 SECTION 2. This act shall take effect on July 1, 2012.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO CRIMINAL PROCEDURE - IMMIGRANT ASSISTANCE IN CRIME
FIGHTING

1 This act would establish the “Immigrant Assistance in Crime Fighting Act” to promote
2 the safety and health of all residents by making it more likely that immigrants would report
3 violations of state and local law and by prohibiting law enforcement or other government agents
4 from inquiring as to a complainant’s or witness’s legal status in this country.

5 This act would take effect on July 1, 2012.

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