

2022 -- H 7249

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

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

Introduced By: Representatives Morales, Alzate, McGaw, Giraldo, Batista, Henries,  
Williams, Biah, Kislak, and Felix

Date Introduced: January 28, 2022

Referred To: House 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 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 protect the safety, well-being and constitutional rights of the people  
2 of Rhode Island and to direct the state's limited resources to matters of general concern to state and  
3 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 162

7 RHODE ISLAND SANCTUARY STATE ACT

8 **42-162-1. Definitions.**

9 The following terms have the following meanings:

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

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

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

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

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

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

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

33 (8) "Public libraries" means any library that is established by state or local laws or  
34 regulations and is supported in whole or in part with public funds;

1           (9) "Schools" means any public, private or charter school, including independent, district  
2 charter schools and mayoral academies, pre-schools and other early learning programs, known and  
3 licensed daycares, primary or secondary schools and institutions of higher education, as well as  
4 scholastic or education-related activities or events.

5           **42-162-2. Sensitive locations – Prohibition on enforcing immigration laws.**

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

11           (b) It shall be unlawful for any state or municipal law enforcement agency, any agency  
12 acting in concert with any state or municipal law enforcement agency, or any agency of the state  
13 or any municipality to:

14           (1) Utilize public funds or public resources to enforce federal immigration laws; or

15           (2) Allocate any office space, funds, or other public resources to be used by federal  
16 immigration authorities.

17           (c) It shall be unlawful for any state or municipal law enforcement agency, any agency  
18 acting in concert with any state or municipal law enforcement agency, any agency of the state or  
19 any municipality, any courthouse, jail, prison, school or their employees, agents, contractors or any  
20 other person acting under color of authority for any such agency to engage in joint operations with  
21 federal immigration authorities, including but not limited to the provision of enforcement  
22 assistance.

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

28           (1) Detain any individual for deportation;

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

30           (3) Ask detainees or arrestees their place of birth, proof of citizenship, or immigration  
31 status;

32           (4) Provide federal immigration authorities with a list of arrestees or inmates, information  
33 regarding the time of their release, or any other information about the arrests not otherwise made  
34 public;

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

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

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

8           (e) Any state or municipal law enforcement agency, any agency acting in concert with any  
9 state or municipal law enforcement agency, any agency of the state or municipality, any courthouse,  
10 jail, prison, school or their employees, agents, contractors or any other person acting under color  
11 of authority for any such agency that shares any information specific to any particular individual  
12 with federal immigration authorities shall be required to, within twenty-four (24) hours, inform the  
13 individual(s) whose information was shared that it was shared and for what purpose.

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

17           (g) It shall be unlawful for any state or municipal law enforcement agency, any agency  
18 acting in concert with any state or municipal law enforcement agency, any agency of the state or  
19 any municipality, any courthouse, jail, prison, school or their employees, agents, contractors or any  
20 other person acting under color of authority for any such agency to place peace officers under the  
21 supervision of federal agencies or employ peace officers deputized as special federal officers or  
22 special federal deputies for purposes of immigration enforcement. All peace officers remain subject  
23 to Rhode Island law governing conduct of peace officers and the policies of the employing agency.

24           (h) The department of corrections shall not:

25           (1) Restrict access to any in-prison educational or rehabilitative programming, or credit-  
26 earning opportunity on the sole basis of citizenship or immigration status, including, but not limited  
27 to, whether the person is in removal proceedings, or immigration authorities have issued a hold  
28 request, transfer request, notification request, or civil immigration warrant against the individual.

29           (2) Consider citizenship and immigration status as a factor in determining a person's  
30 custodial classification level, including, but not limited to, whether the person is in removal  
31 proceedings, or whether immigration authorities have issued a hold request, transfer request,  
32 notification request, or civil immigration warrant against the individual.

33           (i) Any person within the state of Rhode Island shall have a right to counsel in matters of  
34 federal immigration defense, regardless of immigration status, to be fulfilled by the office of the

1 public defender in the event that a federal immigration defendant in Rhode Island has not otherwise  
2 secured the services of an attorney. Fifteen (15) full-time equivalent positions within the  
3 department of public safety shall be reallocated to the office of the public defender for the purpose  
4 of hiring immigration attorneys to fulfil the purposes of this subsection. The office of the public  
5 defender shall be authorized to reallocate sufficient funds to fill these positions and administer this  
6 program from within the state police budget.

7 **42-162-3. Limited exception.**

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

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

15 (c) Nothing in this chapter shall prohibit a Rhode Island law enforcement agency from  
16 asserting its own jurisdiction over criminal law enforcement matters.

17 **42-162-4. Severability.**

18 The provisions of this chapter are severable. If any provision of this chapter or its  
19 application is held invalid, that invalidity shall not affect other provisions or applications that can  
20 be given effect without the invalid provision or application.

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

10           This act would take effect upon passage.

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