

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. **358**

02/03/2011 Authored by Barrett, Benson, M.; Drazkowski; Gruenhagen and Wardlow
The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

04/28/2011 Adoption of Report: Pass and re-referred to the Committee on Judiciary Policy and Finance

05/09/2011 Adoption of Report: Pass and Read Second Time

05/23/2011 Pursuant to Rule 4.20, re-referred to the Committee on Judiciary Policy and Finance

03/14/2012 Adoption of Report: Pass and Read Second Time

04/18/2012 Calendar for the Day
Read Third Time
Passed by the House and transmitted to the Senate

1.1 A bill for an act

1.2 relating to law enforcement; prohibiting immigration law enforcement

1.3 noncooperation ordinances and policies; providing for use of immigration-related

1.4 data; proposing coding for new law in Minnesota Statutes, chapters 13; 299A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[13.021] IMMIGRATION DATA; PREEMPTION.**

1.7 (a) Notwithstanding any other state or local law, no government entity or responsible

1.8 authority within Minnesota may prohibit, or in any way restrict, any government entity,

1.9 responsible authority or designee, or other official from sending to, or receiving from, the

1.10 United States Department of Homeland Security, information regarding the citizenship or

1.11 immigration status, lawful or unlawful, of any individual.

1.12 (b) Notwithstanding any other state or local law, no person or government entity may

1.13 prohibit, or in any way restrict, a public employee from doing any of the following with

1.14 respect to data regarding the immigration status, lawful or unlawful, of any individual:

1.15 (1) sending the data to, or requesting or receiving the information from, the United

1.16 States Department of Homeland Security;

1.17 (2) maintaining the data; or

1.18 (3) exchanging the data with any other federal, state, or local government entity.

1.19 (c) A person lawfully domiciled in this state may bring a private right of action

1.20 by filing for a writ of mandamus to compel any noncooperating government entity,

1.21 responsible authority or designee, or other official or employee to comply with reporting

1.22 laws.

1.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.1 **Sec. 2. [299A.82] IMMIGRATION LAWS; NONCOOPERATION PROHIBITED.**

2.2 (a) For purposes of this section, the following terms have the meanings given them:

2.3 (1) "criminal justice agency" has the meaning given in section 13.02;

2.4 (2) "government entity" has the meaning given in section 13.02;

2.5 (3) "peace officer" has the meaning given in section 626.84;

2.6 (4) "person" has the meaning given in section 13.02; and

2.7 (5) "political subdivision" has the meaning given in section 13.02.

2.8 (b) Notwithstanding any other state or local law, no political subdivision, whether

2.9 acting through its governing body or by an initiative, referendum, or any other process,

2.10 shall enact any ordinance, regulation, or policy that limits or prohibits a criminal

2.11 justice agency, peace officer, or official or employee of the political subdivision from

2.12 communicating or cooperating with federal officials with regard to (1) information

2.13 concerning the immigration status of any person within Minnesota or (2) the enforcement

2.14 of federal immigration laws and regulations.

2.15 (c) A person lawfully domiciled in this state may bring a private right of action

2.16 by filing for a writ of mandamus to compel any noncooperating government entity or

2.17 applicable government official or employee to comply with reporting or enforcement

2.18 laws or regulations.