

HOUSE BILL No. 4727

June 8, 2017, Introduced by Reps. LaGrand, Hammoud, Elder, Geiss, Love, Chang, Neeley, Peterson, Gay-Dagnogo, Rabhi, Sabo, Cochran, Wittenberg, Howrylak, Byrd, Sowerby, Moss, Green and Ellison and referred to the Committee on Law and Justice.

A bill to create the standards for responding to federal immigration holds act; and to provide for the powers and duties of certain state and local governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "standards for responding to federal immigration holds act".

3 Sec. 2. As used in this act:

4 (a) "Eligible for release from custody" means that the
5 individual may be released from custody because 1 of the following
6 events has occurred:

7 (i) All criminal charges against the individual have been
8 dropped or dismissed.

9 (ii) The individual has been acquitted of all criminal charges
10 filed against him or her.

1 (iii) The individual has served all the time required for his
2 or her sentence.

3 (iv) The individual has posted a bond.

4 (v) The individual is otherwise eligible for release under
5 state or local law or local policy.

6 (b) "Immigration hold" means an immigration detainer issued by
7 an authorized immigration officer, under 8 CFR 287.7, that requests
8 that the law enforcement official maintain custody of the
9 individual for a period not to exceed 48 hours, excluding
10 Saturdays, Sundays, and holidays, and to advise the authorized
11 immigration officer prior to the release of that individual.

12 (c) "Law enforcement official" means a state or local law
13 enforcement agency or officer authorized to enforce criminal
14 statutes, regulations, or local ordinances or to operate a jail or
15 to maintain custody of individuals in a jail, and any person or
16 local agency authorized to operate a juvenile detention facility or
17 to maintain custody of individuals in a juvenile detention
18 facility.

19 Sec. 3. A law enforcement official shall not continue to
20 detain an individual after that individual becomes eligible for
21 release from custody on the basis of the immigration hold without a
22 judicial determination that probable cause exists to believe that
23 the individual committed a crime in this state made within 48 hours
24 of the initial detainment.

25 Enacting section 1. This act takes effect 90 days after the
26 date it is enacted into law.