

HOUSE BILL NO. 4197

February 10, 2021, Introduced by Rep. Hornberger and referred to the Committee on Military, Veterans and Homeland Security.

A bill to prohibit local units of government from enacting or enforcing any law, ordinance, policy, or rule that limits local officials, officers, or employees from communicating or cooperating with appropriate federal officials concerning the immigration status of individuals; to prescribe the powers and duties of certain state and local officers, officials, and employees; and to prescribe penalties and remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "local

1 government sanctuary policy prohibition act".

2 Sec. 3. As used in this act, "local unit of government" means
3 any of the following:

4 (a) A city, village, township, or charter township.

5 (b) A board, department, commission, council, agency, or body
6 that is created or primarily funded by a city, village, township,
7 or charter township.

8 (c) An officer or official of a city, village, township, or
9 charter township.

10 Sec. 5. A local unit of government shall not enact or enforce
11 any law, ordinance, policy, or rule that limits or prohibits a
12 peace officer or local official, officer, or employee from
13 communicating or cooperating with appropriate federal officials
14 concerning the immigration status of an individual in this state.
15 Any law, ordinance, policy, or rule that violates this act is void
16 and unenforceable.

17 Sec. 7. Not later than 60 days after the effective date of
18 this act, if a local unit of government has an existing law,
19 ordinance, policy, or rule that violates this act, the local unit
20 of government shall bring that law, ordinance, policy, or rule into
21 compliance with this act.

22 Sec. 9. Beginning 61 days after the effective date of this
23 act, if a local unit of government has, enacts, or enforces a law,
24 ordinance, policy, or rule that violates this act, an individual
25 who is a resident of that local unit of government may do either of
26 the following:

27 (a) Bring an action to enforce this act in the circuit court
28 in the judicial district in which that local unit of government is
29 located.

1 (b) File a complaint with the attorney general on a form
2 prescribed by the attorney general.

3 Sec. 11. (1) The attorney general may receive complaints
4 regarding violations of this act and investigate those complaints.
5 A local unit of government shall cooperate with any investigation
6 conducted by the department of the attorney general concerning a
7 violation of this act.

8 (2) Beginning 61 days after the effective date of this act, if
9 a local unit of government enacts or enforces a law, ordinance,
10 policy, or rule that violates this act, the attorney general shall
11 bring an action to enforce this act in the circuit court in the
12 judicial district in which that local unit of government is
13 located.

14 Sec. 13. (1) If an individual brings an action as described in
15 section 9, or if the attorney general brings an action as described
16 in section 11, and the court determines that the law, ordinance,
17 policy, or rule of the local unit of government violates this act,
18 the court shall do all of the following:

19 (a) Issue an injunction restraining the local unit of
20 government from enforcing the law, ordinance, policy, or rule.

21 (b) Order the local unit of government to amend or repeal the
22 law, ordinance, policy, or rule.

23 (c) Award actual damages, costs, and reasonable attorney fees
24 to the party challenging the law, ordinance, policy, or rule.

25 (2) In addition to the requirements under subsection (1), if
26 the court determines that an elected or appointed official of the
27 local unit of government knowingly and willfully enacted or
28 enforced a law, ordinance, policy, or rule in violation of this
29 act, then the court shall assess a civil fine of not less than

- 1 \$2,500.00 or more than \$7,500.00 against that elected or appointed
- 2 official, that is in addition to any other penalty provided by law.