

# SENATE BILL NO. 968

July 30, 2024, Introduced by Senator ALBERT and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to require certain law enforcement agencies to perform certain immigration officer functions under the direction and oversight of certain federal immigration agencies; to create the jail enforcement model and warrant service officer program; 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 may be cited as the "immigration and customs  
2 enforcement support act".

3           Sec. 3. As used in this act:

1 (a) "Agreement" means the memorandum agreement described under  
2 section 7.

3 (b) "ICE" means the United States Immigration and Customs  
4 Enforcement.

5 (c) "Law enforcement agency" means an agency that administers  
6 the detention of individuals and that is 1 of the following:

7 (i) The department of state police.

8 (ii) A sheriff of a county, or the law enforcement agency of a  
9 city, village, or township.

10 (d) "Law enforcement officer" means an individual who is  
11 employed by a law enforcement agency and is responsible for the  
12 prevention and detection of crime and the enforcement of the  
13 general laws of this state.

14 (e) "Program" means the jail enforcement model and warrant  
15 service officer program created under section 5.

16 Sec. 5. Beginning on the effective date of this act and  
17 subject to this section, a law enforcement agency shall create and  
18 operate the jail enforcement model or the warrant service officer  
19 program, or both, for purposes of designating law enforcement  
20 officers to participate in a program to help ICE enforce  
21 immigration laws within the jurisdiction of the law enforcement  
22 agency. A law enforcement agency may not create and operate a  
23 program unless the law enforcement agency receives funds from the  
24 immigration and customs enforcement support fund.

25 Sec. 7. (1) Before a law enforcement agency creates and  
26 operates a program, the law enforcement agency must enter into a  
27 written agreement with the Department of Homeland Security in  
28 accordance with section 287(g) of the immigration and nationality  
29 act, 8 USC 1357, to function as federal immigration agents and

1 enforce certain immigration laws.

2 (2) Not later than 30 days after signing the agreement, a law  
3 enforcement agency shall do both of the following:

4 (a) Designate law enforcement officers within the law  
5 enforcement agency to participate in the jail enforcement model or  
6 the warrant service officer program, or both, and receive training  
7 from ICE certified instructors to implement this act.

8 (b) Adopt a written policy that incorporates the requirements  
9 of this act.

10 Sec. 9. A law enforcement officer or law enforcement agency  
11 shall do all of the following:

12 (a) Before releasing a lawfully arrested individual, make a  
13 reasonable attempt to verify or ascertain the citizenship or  
14 immigration status of the individual who is detained. The law  
15 enforcement officer or law enforcement agency may ascertain or  
16 verify the citizenship or immigration status of an individual in  
17 accordance with 8 USC 1373(c).

18 (b) Immediately transfer an individual who is not legally in  
19 the United States and has been convicted under the criminal laws of  
20 this state or assessed fines for a violation of a law of this  
21 state, upon discharge from imprisonment or after the payment of  
22 fines, to the custody of ICE or the United States Customs and  
23 Border Protection.

24 (c) Except as otherwise provided under state or federal law,  
25 participate in the transportation of an individual who is not  
26 legally present in the United States and in the custody of the law  
27 enforcement agency to a federal facility in this state or to any  
28 other point of transfer into federal custody that is outside the  
29 jurisdiction of the law enforcement officer's law enforcement

1 agency.  
2 Enacting section 1. This act does not take effect unless  
3 Senate Bill No. 969 of the 102nd Legislature is enacted into law.