

Legislative Analysis



SANCTUARY POLICY PROHIBITION

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4338 as introduced
Sponsor: Rep. Cam Cavitt

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4339 as introduced
Sponsor: Rep. Joseph G. Pavlov

House Bill 4342 as introduced
Sponsor: Rep. James DeSana

Committee: Government Operations
Complete to 4-23-25

SUMMARY:

House Bill 4338 would create a new act, the Local Government Sanctuary Policy Prohibition Act, to prohibit a *local unit of government* from enacting or enforcing a law, ordinance, policy, or rule that limits or prohibits a peace officer or local official, officer, or employee from communicating or cooperating with appropriate federal officials concerning the immigration status of an individual in Michigan.

Local unit of government would mean any of the following:

- A city, village, township, or charter township.
- A board, department, commission, council, agency, or body that is created or primarily funded by a city, village, township, or charter township.
- An officer or official of a city, village, township, or charter township.

A law, ordinance, policy, or rule that violates the above prohibition would be void and unenforceable.

A local unit of government with an existing law, ordinance, policy, or rule that violates the bill would have to bring it into compliance no later than 60 days after the bill takes effect. After that, a resident of a local unit of government that has, enacts, or enforces such a law, ordinance, policy, or rule could do either of the following:

- Bring an action to enforce the bill in the circuit court of the judicial circuit where the local unit of government is located.
- File a complaint with the attorney general on a form prescribed by the attorney general.

The attorney general could receive and investigate complaints regarding violations of the bill, and a local unit of government would have to cooperate with any such investigation.

In addition, beginning 61 days after the bill takes effect, if a local unit of government enacts or enforces a law, ordinance, policy, or rule that violates the bill, the attorney general would

have to bring an action to enforce the bill in the circuit court of the judicial circuit where the local unit of government is located.

In an action brought as described above (by a resident or by the attorney general), the court would have to do all of the following if it finds that the law, ordinance, policy, or rule violates the bill:

- Issue an injunction restraining the local unit of government from enforcing the law, ordinance, policy, or rule.
- Order the local unit of government to amend or repeal the law, ordinance, policy, or rule.
- Award actual damages, costs, and reasonable attorney fees to the party challenging the law, ordinance, policy, or rule.

House Bill 4339 would create a new act, the County Law Enforcement Protection Act, whose provisions are identical to those of House Bill 4338, except that they would apply to *counties* instead of local units of government.

County would include any of the following:

- The county board of commissioners of a county.
- A board, department, commission, council, agency, or body that is created or primarily funded by a county.
- An officer or official of a county.

House Bill 4342 would amend the Glenn Steil State Revenue Sharing Act to require the state treasurer to withhold payments under the act to a city, village, township, or county that enacts or enforces a law, ordinance, policy, or rule that violates House Bill 4338 or 4339 for as long as the city, village, township, or county continues to enforce the law, ordinance, policy, or rule. This requirement would begin with the 2025-26 state fiscal year.

The bill could not take effect unless House Bills 4338 and 4339 were also enacted.

MCL 141.921

FISCAL IMPACT:

House Bills 4338 and 4339 could result in additional costs to the Department of Attorney General (AG) depending on the number of violations of the bills and the extent to which it chooses to investigate alleged violations. The bills would allow, but not require, the AG to investigate complaints. The bills *would* require the AG to bring an action against any local units of government, including counties, that violate the bills. It is unknown how many violations and ensuing legal actions there would be and whether the AG would have sufficient staff and resources to fully comply. Should the AG require any new attorney positions, the cost of an additional attorney FTE is approximately \$200,000 annually.

The bills also would have an indeterminate fiscal impact on local court funding units. The bills could result in increased costs for local circuit courts depending on how provisions of the bills affect court caseloads and related administrative workloads.

House Bill 4342 would have no direct fiscal impact on local units of government. To the extent that a local unit of government was found to be in violation of the provisions of the bill, it would have revenue sharing payments withheld during the period in which it was found to be in violation.

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