

**SUBSTITUTE FOR
HOUSE BILL NO. 4338**

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 may be cited as the "local government
2 sanctuary policy prohibition act".

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

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

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

4 (c) An officer or official of a city, village, township, or
5 charter township.

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

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

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

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

26 (b) File a complaint with the attorney general on a form
27 prescribed by the attorney general.

28 Sec. 11. (1) The attorney general may receive complaints
29 regarding violations of this act and investigate those complaints.

1 A local unit of government shall cooperate with any investigation
2 conducted by the department of the attorney general concerning a
3 violation of this act.

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

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

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

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

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

21 (2) If an individual brings an action as described in section
22 9, or if the attorney general brings an action as described in
23 section 11, and the court determines that the law, ordinance,
24 policy, or rule of the local unit of government does not violate
25 this act, the court shall award costs and reasonable attorney fees
26 to the prevailing local unit of government.