

SENATE BILL NO. 43

February 04, 2025, Introduced by Senators ALBERT, LINDSEY, RUNESTAD, DALEY, THEIS, BELLINO, HOITENGA and HAUCK and referred to Committee on Government Operations.

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 written 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 a jail enforcement model or 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 created under
25 section 3 of the enforcement support fund act.

26 Sec. 7. (1) Before a law enforcement agency creates and
27 operates a program, the law enforcement agency must enter into a
28 written agreement with the Department of Homeland Security in
29 accordance with section 287(g) of the immigration and nationality

1 act, 8 USC 1357, to function as federal immigration agents and
2 enforce certain immigration laws.

3 (2) Not later than 30 days after signing the agreement under
4 subsection (1), a law enforcement agency shall do both of the
5 following:

6 (a) Designate law enforcement officers within the law
7 enforcement agency to participate in a program and to receive
8 training from ICE certified instructors to implement this act.

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

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

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

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

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

1 the jurisdiction of the law enforcement officer's law enforcement
2 agency.

3 Enacting section 1. This act does not take effect unless
4 Senate Bill No. 42 of the 103rd Legislature is enacted into law.