

**HOUSE BILL NO. 205**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES EASTMAN, Chenault, Thompson, Wilson, Saddler, Reinbold, Kopp, Sullivan-Leonard, Rauscher**

**Introduced: 3/31/17**

**Referred: Community and Regional Affairs, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act prohibiting a municipality from adopting or enforcing a policy or ordinance**  
2 **relating to sanctuary jurisdictions; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 **LEGISLATIVE FINDINGS AND INTENT.** (a) The legislature finds that

7 (1) it is necessary to ensure consistency and fairness in the application of this  
8 Act throughout the state and that, except as otherwise specified in state law, addressing  
9 sanctuary jurisdictions is declared to be a matter of statewide concern;

10 (2) sanctuary policies that restrict, obstruct, or discourage cooperation with  
11 federal immigration authorities may be prohibited by federal law, as provided under 8 U.S.C.  
12 1373(a), which states that "a federal, state, or local government entity or official may not  
13 prohibit, or in any way restrict, any government entity or official from sending to, or receiving  
14 from, the Immigration and Naturalization Service information regarding the citizenship or

1 immigration status, lawful or unlawful, of any individual";

2 (3) on January 25, 2017, the President of the United States issued an executive  
3 order concerning sanctuary jurisdictions, which states that it is the policy of the executive  
4 branch to ensure, to the fullest extent of the law, that a state, or a political subdivision of a  
5 state, shall comply with 8 U.S.C. 1373; in subsection 9(a), the executive order provides that  
6 "In furtherance of this policy, the Attorney General and the Secretary, in their discretion and  
7 to the extent consistent with law, shall ensure that jurisdictions that willfully refuse to comply  
8 with 8 U.S.C. 1373 (sanctuary jurisdictions) are not eligible to receive Federal grants, except  
9 as deemed necessary for law enforcement purposes by the Attorney General or the Secretary.  
10 The Secretary has the authority to designate, in his discretion and to the extent consistent with  
11 law, a jurisdiction as a sanctuary jurisdiction. The Attorney General shall take appropriate  
12 enforcement action against any entity that violates 8 U.S.C. 1373, or which has in effect a  
13 statute, policy, or practice that prevents or hinders the enforcement of Federal law";

14 (4) the majority opinion of Justice Anthony Kennedy in the 2012 United  
15 States Supreme Court decision *Arizona v. United States*, 567 U.S. 387 (2012), held that,  
16 under the United States Constitution, the federal government has supremacy and preemptive  
17 authority to legislate on immigration matters and that states may not augment penalties placed  
18 on illegal immigrants or employers who violate federal immigration laws;

19 (5) in *Arizona v. United States*, the Supreme Court also states that  
20 "consultation between federal and state officials is an important feature of the immigration  
21 system" and that the United States Congress "has encouraged the sharing of information about  
22 possible immigration violations," referring to 8 U.S.C. 1357(g)(10)(A);

23 (6) on July 6, 2016, the United States Department of Justice announced that  
24 grant applications from any private or public entity must contain a written certification that  
25 the body is in full compliance with all federal laws.

26 (b) In recognizing the supremacy of all federal laws pertaining to immigration,  
27 including the provisions of 8 U.S.C. 1324, which prohibits the physical harboring of persons  
28 known to be unlawfully present in the United States, the legislature declares that it is  
29 inappropriate and contrary to the public safety and welfare for a public official at any level of  
30 government to encourage, endorse, or in any way support a public or private organization  
31 seeking to offer sanctuary protection to persons unlawfully present in the United States.

1 (c) The legislature declares that a sanctuary policy adopted by a municipality that  
2 directs employees not to cooperate with federal immigration officers or that protects aliens  
3 that are unlawfully present in the United States is contrary to federal law, state interests, and  
4 the safety and welfare of the people of the state. The legislature declares that it is in the best  
5 interests of the state to prohibit local governments from creating sanctuary policies.

6 \* **Sec. 2.** AS 29.10.200 is amended by adding a new paragraph to read:

7 (66) AS 29.35.148 (sanctuary jurisdiction).

8 \* **Sec. 3.** AS 29.35 is amended by adding a new section to read:

9 **Sec. 29.35.148. Sanctuary jurisdiction.** (a) A municipality may not adopt an  
10 ordinance or enforce a policy that

11 (1) limits or prohibits a person from communicating or cooperating  
12 with federal agencies or officials to verify or report the immigration status of any  
13 person;

14 (2) grants to any person the right to lawful presence or status within  
15 the municipality in violation of state or federal law; or

16 (3) otherwise declares the municipality to be a sanctuary jurisdiction.

17 (b) This section applies to home rule and general law municipalities.

18 \* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).