

By: Representative Lott

To: Judiciary A

HOUSE BILL NO. 1157

1 AN ACT TO PROVIDE FOR COOPERATIVE LAW ENFORCEMENT BY STATE
2 AND LOCAL LAW ENFORCEMENT AGENCIES ON IMMIGRATION MATTERS; TO
3 REQUIRE VERIFICATION OF CITIZENSHIP OR IMMIGRATION STATUS OF
4 PERSONS WHO ARE ARRESTED; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** The Commissioner of Public Safety is authorized
7 and directed to enter into a written agreement between this state
8 and the United States Department of Justice or Department of
9 Homeland Security, pursuant to Section 287(g) of the United States
10 Immigration and Nationality Act, providing for the performance of
11 certain immigration officer functions by designated officers and
12 employees of the State of Mississippi or its political
13 subdivisions and concerning the enforcement of federal immigration
14 and custom laws, detention and removals, and investigations in the
15 State of Mississippi.

16 (2) The Commissioner of Public Safety shall request and
17 endeavor to obtain agreement for appropriately trained persons to
18 perform functions related to the investigation, apprehension,
19 detention, and transportation of detained persons across state
20 lines into federal custody authorized by Section 287(g) of the
21 United States Immigration and Nationality Act.

22 (3) No agency or political subdivision of this state,
23 whether acting through its governing body or by an initiative,
24 referendum, or any other process, shall enact any ordinance or
25 policy that limits or prohibits a law enforcement officer, local
26 official, or local government employee from performing any
27 functions pursuant to a written agreement authorized by this
28 section.

29 **SECTION 2.** (1) When a person charged with a crime or other
30 violation of law is arrested or otherwise confined for any period
31 by a law enforcement agency, a reasonable effort shall be made to
32 verify the citizenship or immigration status of the person so
33 confined.

34 (2) If the prisoner is a foreign national, the law
35 enforcement agency shall make a reasonable effort to verify that
36 the prisoner has been lawfully admitted to the United States, and,
37 if lawfully admitted, that such lawful status has not expired. If
38 verification of lawful status cannot be made from documents in the
39 possession of the prisoner, verification shall be made within
40 forty-eight (48) hours through a query to the Law Enforcement
41 Support Center (LESC) of the United States Department of Homeland
42 Security or other office or agency designated for that purpose by
43 the United States Department of Homeland Security. If the
44 prisoner is determined not to be lawfully admitted to the United
45 States, the keeper of the jail or other officer shall notify the
46 United States Department of Homeland Security.

47 (3) For the purpose of determining the grant of or issuance
48 of bond, a person whose citizenship status has been verified
49 pursuant to subsection (2) to be a foreign national who has not
50 been lawfully admitted to the United States, shall be deemed to be
51 at risk of flight.

52 (4) The Department of Public Safety shall prepare and issue
53 guidelines and procedures used to comply with the provisions of
54 this section.

55 **SECTION 3.** This act shall take effect and be in force from
56 and after July 1, 2007.