

# HB 1105



## WHAT IS HB 1105?

- 1.- Sheriffs and jail personnel** will be required to determine the immigration status of any person in custody, request and verify documentation, and communicate with Immigration and Customs Enforcement (**ICE**) in an attempt to determine the immigration status of this person.
- 2.-** If a police officer cannot verify a person's immigration status, he cannot fine the person. **He must arrest the person for the following offenses:**
  - Motor vehicle violations,
  - Failure to appear in court,
  - Criminal trespass,
  - Shoplifting,
  - Giving a false or fictitious name to obtain a refund or make a purchase,
  - Possession, Manufacture or Distribution of a controlled product, substance or marijuana.
- 3.-** Requires Sheriffs to hold people in jail for an additional 48 hours after they post bond if they are under an ICE detainer. Holidays and weekends are excluded from these hours.
- 4.-** Recommends that the State Pardon and Parole Commission to not release any undocumented immigrant prior to the completion of his or her sentence unless the commission is confident that federal immigration authorities will deport the undocumented immigrant upon his or her release.
- 5.-** Any local official, police, or government employee found guilty of violating Georgia's anti-sanctuary policies will be punished with a misdemeanor. If the person violates the law a second time they will be punished for a misdemeanor of a serious and aggravated nature.
- 6.-** Withhold state or federal funds (except emergency or public benefit funds) from local governments for violation of Georgia's 2009 anti-sanctuary policies.
- 7.-** Requires Sheriffs to work with federal immigration authorities and annually request memoranda of understanding with the U.S. Department of Justice, the Department of Homeland Security or any other federal agency. **(287g)**
- 8.-** Requires the Department of Corrections and Sheriffs to generate a public report showing how many people are in their custody and subject to immigration detention.
- 9.-** If the Department of Corrections or a county correctional facility has someone in custody who has an ICE detainer and has been convicted of a felony, the Department must collect DNA for analysis by the GBI Forensic Science Division.



**QUESTIONS?**  
**(770) 457-5232**

# KNOW YOUR RIGHTS

If a police officer stops you for any reason and asks about your immigration status....

**YOU HAVE THE RIGHT TO REMAIN SILENT!**

Police officers do NOT have Federal jurisdiction to ask you for this information.

If you are arrested and taken to the county jail...

**NOTIFY A FAMILY MEMBER  
POST BOND  
SEEK LEGAL HELP**

**YOU HAVE THE RIGHT TO REMAIN SILENT!**

Police officers or Sheriffs do NOT have Federal jurisdiction to ask you for this information, unless the 287(g) program is enabled.

If you are arrested and the officer asks you about your immigration status...

**IF THE BOND IS GRANTED,  
AND YOUR FAMILY MEMBER  
IS NOT ALLOWED TO PAY IT.**

**REPORT THE INCIDENT, IT  
MAY BE A VIOLATION OF THE  
DUE PROCESS PROTECTED  
BY THE CONSTITUTION.**

- **YOU MUST NOT PROVIDE FALSE INFORMATION OR DOCUMENTATION.**
- **DO NOT GIVE OUT MORE INFORMATION ABOUT YOUR IMMIGRATION STATUS THAN NECESSARY UNLESS YOU ARE TALKING TO AN IMMIGRATION AGENT.**



**REPORT YOUR ARREST  
(770) 457-5232**