

# 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) if an individual doesn't provide certain government issued documents. If the jailer is convicted of violating this provision, they will be punished with a misdemeanor criminal charge. If the jailer violates the law a second time they will be punished for a misdemeanor of a high and aggravated nature.
- 2.- A police officer must verify the immigration status of person who is 18 years of age or older before issuing a citation for the following misdemeanors offenses:
  - Criminal trespass
  - Shoplifting
  - Giving a false or fictitious name or address to obtain a refund
  - Purchase, Possession, Manufacture, Distribution, or Sale of Controlled Substances or Marijuana

(Since police will have to verify immigration status before releasing a person on citation for these offenses, it is more likely that the police, after checking immigration status, will choose not to release on citation, but instead, to arrest and detain the person.)

- 3.- Police officers must verify the immigration status of a person if the police have probable cause that the person has committed a criminal violation and the person is unable to provide certain government issued documents to verify their identity.
- 4.- Requires sheriffs to hold people in jail for at least 48 hours - even after they post bond - if they are under an ICE detainer. (Holidays and weekends are excluded from these hours.)
- 5.- Implores that the State Pardon and Parole Commission do not release any undocumented immigrant prior to the completion of their sentence unless the commission is confident that federal immigration authorities will deport the undocumented immigrant upon their release.
- 6.- Expands the definition of sanctuary policy so that all law enforcement must honor ICE detainer requests, even though they are just requests that are not judicial warrants signed by a judge. Any individual including 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.

- 7.- Requires state and local agencies to work with federal immigration authorities and annually seek to enter into contracts with the Department of Homeland Security, Department of Justice, or any other federal agency to enforce immigration law, including through 287(g) or a similar program. Those who fail to do so will be punished by withholding certain state or state administered federal funds.
- 8.- Requires the Department of Corrections and jails to generate a public report with information including: immigration status, offenses, home countries of inmates who are not U.S. citizens and have an ICE detainer, and the total number of inmates who are not U.S. citizens. (A separate category will be created for inmates who are citizens of both the U.S. and another country)
- 9.- A person convicted of a felony who is subject to an ICE detainer is mandated to have their DNA collected by Georgia Bureau of Investigations' 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 your immigration status, 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**