

Prohibiting Municipal Restrictions on Law Enforcement Cooperation; Limiting Municipal ID Cards; HB 2717

HB 2717 prohibits municipalities from restricting law enforcement cooperation with federal authorities and prohibits the use of municipal identification cards from being used to satisfy state proof of identity requirements, including for voter identification. The bill also makes technical changes.

Definitions

The bill defines the following terms:

- “Law enforcement agency” means a city police department, county sheriff’s department or police department, or any law enforcement department of a state taxing entity;
- “Law enforcement officer” means a full-time or part-time employee of a municipality whose duties include the prevention or detection of crime and enforcement of criminal and traffic laws;
- “Municipal identification card” means any document, card, or other instrument issued by a city or county and bearing a name, photograph, or descriptive information intended for an individual to use as a form of identification; and
- “Municipality” means a city, county, or state taxing entity that employs law enforcement officers.

Prohibited Actions of Municipalities

The bill prohibits municipalities from enacting, implementing, or enforcing an ordinance, resolution, rule, or policy that prohibits or restricts a law enforcement officer, local official, or local government employee from doing the following with information on a person’s citizenship or immigration status:

- Communicating or cooperating with federal officials;
- Sending to or receiving information from the U.S. Department of Homeland Security;
- Obtaining maintaining information; or
- Exchanging information with another federal, state, or local government entity.

The bill states that any such ordinance, resolution, rule, or policy is null and void. Municipalities are also prohibited from limiting or restricting the enforcement of federal immigration laws.

Municipal Identification Cards

The bill prohibits municipal identification cards from being used to satisfy any state requirement for proof of identity and requires each municipal identification card to state “Not valid for state ID” on its face.

The bill amends current criminal law that makes illegal certain fraudulent acts using an identification card to include the fraudulent use of municipal identification cards.

The bill also amends current election law to remove identification documents issued by a municipality, county, state, or federal government office or agency from the list of valid forms of identification to vote.

Racial or Other Biased Policing

The bill makes the use of racial or other biased-based policing for the enforcement of federal immigration law and communications with federal agencies unlawful.

The bill uses existing law to define “racial or other biased-based policing” as the unreasonable use of race, ethnicity, national origin, gender, or religion by a law enforcement officer in deciding to initiate an enforcement action.

The use of these characteristics are not considered racial or other biased-based policing when used in combination with other identifying factors as part of a specific individual description to initiate an enforcement action.

A person believing they have been subjected to racial or other biased-based policing would be able to file a complaint with the applicable law enforcement agency or the Attorney General.

Cause of Action

The Attorney General, county attorney, or district attorney is authorized to bring a court action to compel a municipality or person to comply with the provisions of the bill.