

Comparison of Key Provisions

Safe Communities Act as filed

HD.4603 (Amended bill)

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| <p style="text-align: center;">No Muslim Registry</p> <p>Prohibits law enforcement agencies and RMV database sharing for the purpose of enforcing any federal registry program based on national origin, religion, or other protected characteristics.</p> | <p style="text-align: center;">No Muslim Registry</p> <p style="text-align: center;">Identical</p> |
| <p style="text-align: center;">No 287(g) Agreements</p> <p>Prohibits state and local law enforcement agencies from entering into 287(g) or similar agreements with U.S. Immigration and Customs Enforcement that deputize local law enforcement personnel with the powers of immigration officers, allowing them to identify and process people for deportation. Would void existing agreements.</p> | <p style="text-align: center;">No 287(g) Agreements</p> <p style="text-align: center;">Identical</p> |
| <p style="text-align: center;">No Inquiries about Immigration Status</p> <p>Prohibits law enforcement agencies from inquiring about a person’s citizenship or immigration status unless required by law or as an element in a criminal investigation.</p> | <p style="text-align: center;">No Inquiries about Immigration Status</p> <p style="text-align: center;">Identical</p> |
| <p style="text-align: center;">Due Process Protections</p> <p>Requires due process protections for people in state or local custody who are subject to ICE interviews, including informed consent to be interviewed in the presence of their own attorney. Most noncitizens are unaware of their right to decline an interview because “Miranda warnings” are not constitutionally required in the civil immigration context.</p> | <p style="text-align: center;">Due Process Protections</p> <p style="text-align: center;">Nearly identical (non-substantive changes)</p> |
| <p style="text-align: center;">Civil Rights Data Collection & Reporting</p> <p>Requires ongoing collection of information regarding civil rights impact of detainer requests and regular reporting to the state AG’s civil rights division.</p> | <p style="text-align: center;">Civil Rights Data Collection & Reporting</p> <p style="text-align: center;">Identical</p> |
| <p style="text-align: center;">Limits on when ICE can be Notified</p> <p>Prohibits law enforcement agencies from notifying ICE about the pending release of someone in custody, unless that person is currently servicing a sentence for a serious violent felony.</p> | <p style="text-align: center;">Limits on when ICE can be Notified</p> <p>Prohibits law enforcement agencies from notifying ICE about the pending release of someone in custody, except when that person has been arrested for terrorist related activity (as below) or has a prior conviction for one of the listed offenses below.</p> |
| <p style="text-align: center;">No holds pursuant to an ICE Detainer Request</p> <p>Prohibits law enforcement agencies and courts from arresting or detaining someone based solely on a civil immigration detainer request (as opposed to probable cause of a crime). Detainer requests ask police to hold someone on civil immigration basis for up to 48 hours <i>after they are otherwise eligible for release</i> from local custody.</p> | <p style="text-align: center;">Authorizes 6-hour extended pre-bail detention</p> <p>Prohibits law enforcement from holding someone pursuant to a detainer once they are eligible for release. Instead creates a 6-hour period that starts to run when the police or court <i>receives</i> a detainer, during which an arrested person can only be admitted to bail by a judge in open court (e.g. not by a bail commissioner), in the following circumstances when the person:</p> <ul style="list-style-type: none"> • has been arrested for any terrorist related activity as part of an ongoing federal joint terrorism task force investigation • or has been convicted, at any time, of one of the following offenses: <ul style="list-style-type: none"> ○ sexual assault, sexual abuse or sexual exploitation ○ any offense which has the element of active participation in a criminal street gang as defined in 18 U.S.C. § 521(a) ○ assault and battery on a child under the age of 18 for the purpose of causing or coercing such child to join or participate in a criminal conspiracy ○ firearm related offenses ○ human trafficking offenses as defined in federal law or Chapter 265 §§ 49-51 ○ drug trafficking offenses ○ a domestic violence offense if the current arrest is for domestic violence ○ any crime punishable by imprisonment in the State Prison that (i) has as an element the use, attempted use or threatened use of physical force or a deadly weapon against the person of another; (ii) is burglary, arson or kidnapping; (iii) involves the use of explosives; or (iv) otherwise involves conduct that presents a serious risk of physical injury to another. |