

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 447

HOUSE BILL NO. 1354

**By Representatives Carr, Evans, Kevin Brooks, Shipley, Campfield,
Hensley, Rich, Dean, Hill, Harry Brooks, Haynes, Hawk**

Substituted for: Senate Bill No. 1310

By Senators Tracy, Gresham, Johnson

AN ACT to amend Tennessee Code Annotated, Title 7, relative to local government cooperation with federal officials regarding immigration status of persons in this state.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 7, is amended by adding the following as a new chapter 68:

Section 7-68-101.

(a) The general assembly hereby finds, determines and declares that:

(1) Because the matters contained in this chapter have important statewide ramifications for compliance with and enforcement of federal immigration laws, and for the welfare of all citizens in this state, these matters are of statewide concern.

(2) Allowing illegal immigrants to reside within Tennessee undermines federal immigration laws and state laws allocating available resources.

(3) The state attorney general and reporter and all appropriate state and local law enforcement agencies are to vigorously pursue all federal moneys to which the state may be entitled for the reimbursement of moneys spent to enforce federal immigration laws.

Section 7-68-102.

As used in this chapter, unless the context otherwise requires:

(1) "Local governmental entity" means a governing body, board, commission, committee or department of a municipality or county.

(2) "Official" means a member of a governing body, board, commission or committee of a municipality or county, or the head of any department of a municipality or county.

Section 7-68-103.

(a) A local governmental entity or official shall not adopt any ordinance or written policy that expressly prohibits a local governmental entity, official, or employee from complying with applicable federal law pertaining to persons that reside within the state illegally.

(b) An official shall not materially interfere with the ability of a local governmental entity, official or employee of a municipality or a county to comply with applicable federal law pertaining to persons that reside within the state illegally.

Section 7-68-104.

(a) A person residing in a municipality or county who believes a local governmental entity or official has violated the provisions of Section 7-68-103, may file a complaint in chancery court in such person's county of residence.

(b) The person filing the complaint shall have the burden of proving by a preponderance of evidence that a violation of Section 7-68-103, has occurred.

(c) If the court finds the local governmental entity or official in violation of Section 7-68-103, the court may issue a writ of mandamus against the local governmental entity ordering it to comply with Section 7-68-103, enjoin the official from further interference or take such other action to ensure compliance as is within the jurisdiction of the court.

(d) A local governmental entity shall have no less than ninety (90) days nor more than one hundred twenty (120) days from the date of the court's order to comply with such order. If, after one hundred twenty (120) days, the local governmental entity has not complied with the court's order, the court may take whatever action necessary to enforce compliance.

SECTION 2. For the purposes of local governmental entity amending or repealing existing ordinances or policies, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on September 1, 2009, the public welfare requiring it.

PASSED: June 8, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 23rd day of June 2009



PHIL BREDESEN, GOVERNOR