

SANCTUARY JURISDICTIONS

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex, and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: Some local government jurisdictions in the United States, often known as "sanctuary jurisdictions" or "sanctuary cities," have limited their cooperation with federal law enforcement's efforts to enforce immigration law. Anti-cooperation measures have included failing to provide immigration status information and refusing to comply with immigration detainer requests.

In 2017, President Donald Trump issued an [Executive Order](#) that would, among other things, withhold funds from sanctuary jurisdictions. In that same year, the U.S. Attorney General issued a memo stating that eligibility from certain federal grants would be contingent upon compliance with 8 U.S.C. 1373. In the Ninth Circuit in 2018, a federal court ordered a nationwide permanent injunction, preventing implementation of Section 9(a) of the Executive Order, which affected the eligibility of sanctuary jurisdictions from receiving certain federal grants. A 3-judge Ninth Circuit panel later [found](#) that the nationwide injunction was inappropriate, and a limited injunction would provide ample relief to the plaintiffs in that case, although the Seventh Circuit affirmed a universal injunction in a separate case, [City of Chicago v. Barr](#).

In Montana, the Montana Supreme Court [recently ruled](#) that holding people on an immigration detainer request constitutes an arrest, and neither federal or state law provided Montana law enforcement officers with the authority to arrest individuals based on federal civil immigration violations..

Other Materials:

[NCSL: Sanctuary Policy FAQ](#)

[NCSL: State Laws Related to Immigration and Immigrants](#)

Introduced Legislation

*Chapter number assigned means bill was passed and approved.

2019 (EXAMPLE BELOW)

[HB 146](#) : (H) Vetoed by Governor: AN ACT PROHIBITING STATE AGENCIES AND LOCAL GOVERNMENTS FROM ENACTING OR ENFORCING CERTAIN POLICIES CONCERNING CITIZENSHIP AND IMMIGRATION; REQUIRING THE ATTORNEY GENERAL TO INVESTIGATE AND ENFORCE CERTAIN PROVISIONS; PROVIDING DEFINITIONS AND PENALTIES; AMENDING SECTIONS 90-6-209 AND 90-6-710, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[HB 147](#): (H) Died in Process: AN ACT PROHIBITING STATE AGENCIES AND LOCAL GOVERNMENTS FROM ENACTING OR ENFORCING CERTAIN POLICIES CONCERNING CITIZENSHIP AND IMMIGRATION; REQUIRING THE ATTORNEY GENERAL TO INVESTIGATE AND ENFORCE CERTAIN PROVISIONS; PROVIDING DEFINITIONS AND PENALTIES; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AMENDING SECTIONS 90-6-209 AND 90-6-710, MCA; AND PROVIDING AN EFFECTIVE DATE.

2017

[HB 11](#): (S) Died in Process: AN ACT GENERALLY REVISING LAWS RELATED TO IMMIGRATION AND REFUGEES; PROHIBITING STATE AGENCIES AND LOCAL GOVERNMENTS FROM ENACTING OR ENFORCING CERTAIN POLICIES CONCERNING CITIZENSHIP AND IMMIGRATION; PROHIBITING THE DISTRIBUTION OF CERTAIN FUNDS AND GRANTS TO LOCAL GOVERNMENTS UNDER CERTAIN CIRCUMSTANCES; REQUIRING THE ATTORNEY GENERAL TO INVESTIGATE AND ENFORCE CERTAIN PROVISIONS; ALLOWING COMPLIANCE ACTIONS; PROVIDING DEFINITIONS, PENALTIES, AND AN APPROPRIATION; AMENDING SECTIONS 15-1-121, 15-23-703, 15-36-332, 20-9-310, 90-6-209, AND 90-6-710, MCA; AND PROVIDING AN EFFECTIVE DATE

2015

N/A

2013

[HB 50](#): (H) Vetoed by Governor: AN ACT PROHIBITING LOCAL GOVERNING BODIES FROM ENACTING, ADOPTING, IMPLEMENTING, ENFORCING, OR REFERRING TO THE ELECTORATE IMMIGRATION ANTICOOPERATION POLICIES; PROVIDING DEFINITIONS; ALLOWING FOR THE WITHHOLDING OF FUNDS TO LOCAL GOVERNING BODIES THAT DO NOT COMPLY; AMENDING SECTION 7-1-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

2011

HB 492: (H) Vetoed by Governor: AN ACT PROHIBITING LOCAL GOVERNING BODIES FROM ENACTING, ADOPTING, IMPLEMENTING, ENFORCING, OR REFERRING TO THE ELECTORATE IMMIGRATION SANCTUARY POLICIES; PROVIDING DEFINITIONS; ALLOWING FOR THE WITHHOLDING OF FUNDS TO LOCAL GOVERNING BODIES THAT DO NOT COMPLY; AMENDING SECTION 7-1-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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