

HB 6001 by *Lamberth

(SB 6002) by *Johnson

Immigration - As introduced, creates within the department of safety the centralized immigration enforcement division, to be administered by the chief immigration enforcement officer; establishes a grant program for purposes of promoting the enforcement of federal immigration laws; creates criminal penalties for officials who adopt sanctuary policies and subsequently requires their removal from office upon conviction; requires department of safety to issue lawful permanent residents a temporary driver license, instead of a standard license, to aid in determining voter eligibility for someone who presents a Tennessee driver license as identification. - Amends TCA Title 2; Title 4; Title 5; Title 6; Title 7; Title 8 and Title 55.

Summary

FISCAL SUMMARY

STATE GOVERNMENT		
REVENUE	General Fund	Immigration Enforcement Fund
FY25-26	-	\$5,000,000
FY26-27 & Subsequent Years	-	-

EXPENDITURES	General Fund	Immigration Enforcement Fund
FY25-26	\$5,563,700	-
FY26-27 & Subsequent Years	\$545,700	-
Total Positions Required: 4		

OTHER FISCAL IMPACT
The increase in state expenditures from the Immigration Enforcement Fund and equivalent increases in local revenue and permissive local expenditures are estimated to be \$5,000,000. However, the timing of such impacts cannot be determined with reasonable certainty.

If the amount of funds received by a local government through the Grant Program is insufficient to meet the requirements of an agreement with the federal government, such local governments may realize an additional permissive increase in local expenditures. The amount and timing of any such additional expenditures is not known and cannot be reasonably estimated.

It is not known whether or not any federal funding will be available for the Grant Program in the future. None has been assumed in this analysis.

The proposed legislation requires the DOS to modify existing software and design in order to implement the provision related to driver licenses. It is assumed that this work will be accomplished by the relevant vendor under a current contract provision without additional expenditures to the department. However, if the relevant contract provision is exhausted by this and other legislation subsequently enacted, the department could incur an increase in state expenditures of \$97,000 in FY25-26.

BILL SUMMARY

CENTRALIZED IMMIGRATION ENFORCEMENT DIVISION

This bill creates the centralized immigration enforcement division within the department of safety ("division"). The commissioner of safety may hire staff within the resources allocated to the department of safety and establish their duties and responsibilities. The chief executive of the division is the chief immigration enforcement officer (CIEO), to be appointed by the governor, whose duties include all of the following:

- **Overseeing state and local collaboration with federal immigration agencies.**
- **Facilitating efficient communication between state, local, and federal agencies with respect to immigration policy and enforcement.**
- **Allocating resources, including the approval and distribution of grants from the immigration enforcement grant fund.**
- **Developing strategic immigration enforcement plans.**
- **Coordinating participation in federal immigration programs.**
- **Ensuring state and local compliance with federal and state immigration laws.**
- **Reporting annually to the governor and general assembly on immigration-related progress and challenges.**
- **Coordinating the direction of state funding to help state and local law enforcement implement federal immigration law.**

Present law authorizes the commissioner of safety to negotiate the terms of a memorandum of understanding between the state and the United States department of homeland security concerning the enforcement of federal immigration laws, detention and removals, and investigations in this state. This bill revises this provision to, instead, require the commissioner of safety, in consultation with the CIEO, to attempt to enter into the terms of an agreement between the state and the United States attorney general concerning the enforcement of federal immigration laws, detention and removals, and investigations in this state under a federal immigration program pursuant to the federal Immigration and Nationality Act.

VIOLATIONS

Present law prohibits state and local governmental entities and officials from adopting or enacting a sanctuary policy. A state or local governmental entity that adopts or enacts a sanctuary policy is ineligible to enter into a grant contract with the department of economic and community development until the sanctuary policy is repealed, rescinded, or otherwise no longer in effect. This bill creates a Class E felony, punishable by a sentence of imprisonment not less than one year nor more than six years and a possible fine not to exceed \$3,000, or both, if a person violates such prohibitions. Additionally, this bill provides that each official, in their capacity as a member of the governing body of a local government, who votes in the affirmative to adopt a sanctuary policy is also in violation.

Present law authorizes a person residing in a municipality or county who believes a state or local governmental entity or official has violated the enactment of a sanctuary policy to file a complaint in chancery court in that person's county of residence. The person filing the complaint has the burden of proving by a preponderance of the evidence that a violation has occurred. If the court finds the entity or official is in violation, then the court must issue a writ of mandamus against the entity or official to comply, enjoin the entity or official from further interference, and take other action to ensure compliance.

Additionally, upon a finding by the court that a local governmental entity or official is in violation, the governmental entity or entity to which the official belongs becomes ineligible to enter into a grant contract with the department of economic and community development. A state entity or official has no less than 120 days, and a local governmental entity or official has no less than 90 days nor more than 120 days, from the date of the court's order to comply with the order. If after 120 days, they have not complied, then the court may take whatever action necessary to enforce compliance. This bill provides that upon the failure to comply, and subsequent conviction pursuant to this bill, the attorney general must initiate an action to remove the official from office as soon as practicable.

IMMIGRATION ENFORCEMENT FUND

Subject to specific appropriation of funds, this bill creates an immigration enforcement grant program to incentivize local governments to enter into agreements between the respective local government and the United States attorney general under the federal immigration program pursuant to the federal Immigration and Nationality Act concerning the enforcement of federal immigration laws, detentions and removals, and investigations in this state. Funds received for the grant program must be deposited into a special account in the state treasury to be known as the immigration enforcement fund ("fund"). In addition to appropriations made to the fund, the department of safety may accept other funds through a grant to the fund. Such grants must be deposited into the fund and distributed in accordance with this bill.

Grant Program

This bill provides that the grant program and grants approved under the program are to be administered by the CIEO and distributed from the fund. To qualify for and receive a grant from the fund, a local government must have a valid, executed agreement between the local government and the United States attorney general under the federal immigration program pursuant to the federal Immigration and Nationality Act and must (i) submit an application to the centralized immigration enforcement division, including a copy of such agreement, and (ii) execute a contract with the division on terms specified by the division, including the right of the division to claw back any remaining grant funding.

Grant Issuance Procedure

This bill provides that the CIEO (i) must develop the grant application and determine any additional information to be included with the application's submission, (ii) must not issue more than one grant under the grant program to a local government, and (iii) must establish grant eligibility criteria that prioritizes local governments that demonstrate a strong commitment to enforcing federal immigration laws.

This bill authorizes grants to be issued (i) to fund training, operational expenses, and other resource needs for local governments participating in immigration enforcement efforts, (ii) to fund investments into or purchases of law enforcement equipment to be used in the enforcement of immigration laws, and (iii) to fund other immigration enforcement activities and programs as deemed appropriate by policies prescribed by the CIEO.

Reports and Accounting

This bill authorizes the CIEO to require a local government that has been issued a grant to provide an accounting of the grant funds at any time after the issuance of the grant. Additionally, this bill requires a local government that receives a grant to submit quarterly reports to the division no later than 30 days after the end of the quarter in which the local government receives the grant, and for each quarter thereafter until all grant funding has been expended by the local government. Each report must specify (i) the manner in which grant funds were expended; (ii) the remaining balance of grant funds and the proposed use of such funds; (iii) the documented or projected impact of the grant funds in enforcing federal and state immigration laws; (iv) statistics relative to an increase or decrease in crime from illegal aliens within the jurisdiction of the local government, if any; and (v) whether the amount of the grant was sufficient to meet the stated goals of the local government upon applying for the grant.

Claw back of Funds

This bill provides that after a quarterly report has been filed or an accounting required, upon a finding by the division or the CIEO that grant funds have been misused or misappropriated by a local government, the local government has failed to demonstrate meaningful steps toward supporting federal immigration laws or policies of this state, or the local government has otherwise failed to fulfill any commitment made as a condition of receiving the grant, the CIEO must require the local government to remit all remaining grant funds back to the department of safety for deposit into the fund.

VOTING PROCEDURE

Under present law, there are certain types of evidence of identification that are required to be used to verify a person's identity on an application for voting ballot, which includes a driver license of this state. This bill revises this provision to prohibit a temporary driver license of this state from being used for such verification.

DRIVER LICENSES AND PERMITS

Standard Licenses

Present law authorizes the department of safety to issue a standard driver license, instruction permit, intermediate driver license, or photo identification license to any person who is a United States citizen or a lawful permanent resident of the United States. This bill revises this provision to, instead, only authorize a United States citizen to hold such licenses.

This bill requires a lawful permanent resident who renews or reinstates a driver license, permit, or photo identification license on or after January 1, 2026, to provide proof of United States citizenship to maintain the driver license, permit, or photo identification license. If such proof of citizenship is not provided, then the person must be issued a temporary driver license, temporary permit, or temporary photo identification license pursuant to this bill. Additionally, a person who becomes a United States citizen may provide proof of such citizenship at any time to receive a license under present law.

Present law requires a person who is presenting a driver license from a state that issues driver licenses to illegal aliens for the purposes of obtaining a driver license in this state to establish proof of United States citizenship, lawful permanent resident status, or, in the case of a temporary driver license, a specified period of authorized stay in the United States. This bill revises this provision to, instead, prohibit proof of lawful permanent resident status to obtain a driver license but allows such proof to obtain a temporary driver license.

Temporary Licenses and Permits

Present law authorizes the department to issue a temporary driver license, temporary intermediate driver license, temporary photo identification license or a temporary learner permit to persons whose presence in the United States has been authorized by the federal government for a specific purpose and for a specified period of authorized stay. This bill revises this provision to, instead, prohibit the use and acceptance of valid identification of a temporary license or permit where eligibility for a right or benefit is exclusive to United States citizens, including, but not limited to, voting. This bill requires a temporary driver license, temporary photo identification license, or temporary permit to include a visually distinctive marker for the class designation on the face of the license to distinguish the temporary license from the license issued to the United States citizens that are used as photo identification for voting purposes.

ON JANUARY 29, 2025, THE SENATE ADOPTED AMENDMENTS #1 AND #2 AND PASSED SENATE BILL 6002, AS AMENDED.

AMENDMENT #1 makes the following changes to the bill:

- **Prohibits a temporary photo identification license from being used as evidence of identification to verify a person's identity on an application for voting ballot as of the bill becoming a law until January 20, 2029, at 11:59 a.m. unless reauthorized by the general assembly prior to such time and date.**
- **Effective immediately upon the bill becoming a law, revises the present law authority granted to a law enforcement agency to negotiate the terms of a memorandum of agreement between the agency and the appropriate federal official concerning the enforcement of federal immigration laws. This amendment (i) expands the provision to cover any such agreement, instead of just a memorandum of agreement, and (ii) grants such authority even if the governing body of the local government that the agency serves does not approve such negotiation.**
- **Requires the creation of the centralized immigration enforcement division to take effect upon the bill becoming a law until January 20, 2029, at 11:59 a.m. unless reauthorized by the general assembly prior to such time and date.**

- **Provides that the requirement of the commissioner of safety to attempt to enter into the terms of an agreement between the state and the United States attorney general concerning the enforcement of federal immigration laws, detention and removals, and investigations in this state under a federal immigration program takes effect immediately upon the bill becoming a law until January 20, 2029, at 11:59 a.m. unless reauthorized by the general assembly prior to such time and date.**
- **Requires the implementation of the immigration enforcement grant program to take effect upon the bill becoming a law until January 20, 2029, at 11:59 a.m. unless reauthorized by the general assembly prior to such time and date.**
- **Requires the immigration enforcement grant program to be operating no later than July 1, 2025.**
- **Provides that the creation of the Class E felony offense in the bill relative to prohibiting state and local governmental entities and officials from adopting or enacting a sanctuary policy takes effect upon the bill becoming a law.**

AMENDMENT #2 makes the following changes to the bill:

- **Authorizes the department of safety to maintain any information or records collected or received by the division or chief immigration enforcement officer confidentially, including, but not limited to, sensitive or confidential information collected or received from a federal, local, or state department or agency.**
- **Clarifies that the immigration enforcement grant program is also available to law enforcement agencies under the same requirements imposed on local governments.**
- **Authorizes the department of safety to maintain any information or records collected pursuant to the immigration enforcement grant program confidentially, including, but not limited to, sensitive or confidential law enforcement information.**