

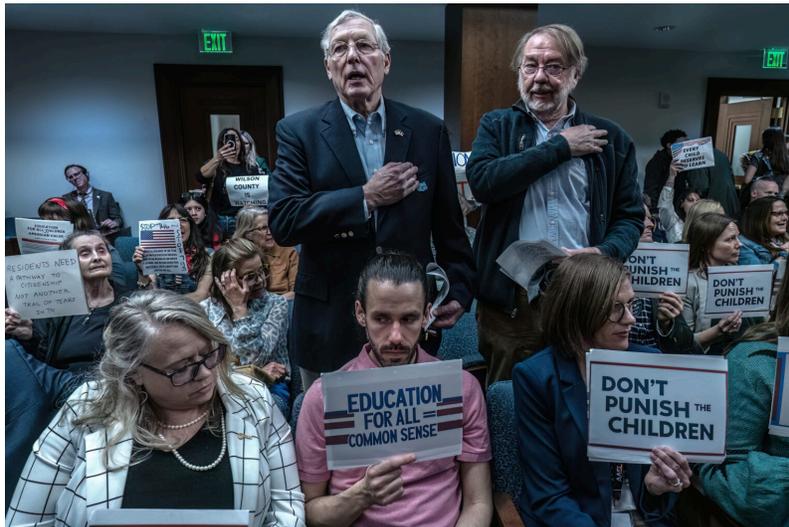


CRIMINAL JUSTICE & POLICING IMMIGRATION UNCATEGORIZED

Tennessee bill to criminalize ‘harboring or hiding’ immigrants without legal status advances

The bill has raised alarms among nonprofits, churches and faith organizations that charity work they provide regardless of immigration status could lead to arrest

BY: ANITA WADHWANI - MARCH 20, 2025 5:01 AM



📷 Bob Tuke, who served in the U.S. Marine Corps during the Vietnam conflict, and Chuck Wilkins, were among protesters reciting the Pledge of Allegiance during a House Banking and Consumer Affairs Committee meeting Tuesday. The committee shut down and reconvened in another room. (Photo: John Partipilo/Tennessee Lookout)

A bill making it a crime to harbor or hide individuals without lawful immigration status cleared a Tennessee House subcommittee Wednesday, with opponents criticizing it as a dangerous precedent that could criminalize family members in mixed immigration households, and nonprofits or faith-based organizations performing acts of charity.

The bill ([HB322/SB392](#)) by Rep. Chris Todd of Madison County and Sen. Brent Taylor of Memphis, both Republicans, would create a Class A misdemeanor to “harbor or hide” someone unlawfully present in the United States, with a \$1,000 penalty and up to a year in jail attached to each individual who was concealed, harbored or shielded.

The proposed legislation would also create a new “human smuggling” felony offense, punishable by up to 6 years in prison and a \$3,000 fine for anyone who “encourages or induces” an individual “to remain in this state in violation of federal law.”

If the individual being encouraged or induced to remain in Tennessee is under 13 years old, the crime rises to a Class A felony, punishable by up to 60 years in prison and a fine of up to \$50,000.

Bills that target immigrant-serving nonprofits raise criticism from faith community



A pair of bills by Republican lawmakers that would penalize charitable organizations that serve immigrants — and potentially lead to their employees’ arrests — are drawing pushback from Tennessee faith leaders as an infringement on their religious freedom. One bill (HB322/SB392) would create a new

“human smuggling” crime for those who transport, encourage or induce ...
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Todd said the measure is necessary to create a distinction in the law between the state’s existing human trafficking laws and the act of “human smuggling.”

“Human smuggling involves crossing international borders, involves trafficking larger numbers of victims at a time, controlled by organized crime in the form of terrorist cartels and others,” he said. “A whole and new illicit underground industry was built up in the U.S. over the past four years due to the malfeasant (sic) border policies and rampant illegal immigration.”

But Democratic lawmakers and immigrant advocates critical of the effort warned the measure could easily ensnare family members living in the same household as an immigrant without legal status and the existing services that churches and nonprofit organizations provide to immigrants living in Tennessee, regardless of their legal status.

“This bill sets a very dangerous precedent to not only to families but to churches, to nonprofits and to other organizations that are simply trying to serve people in our communities,” Rep. Jason Powell, a Nashville Democrat, said.

The bill is among more than three dozen immigration-related measures introduced by Tennessee Republicans in this year’s legislative session.

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By targeting faith-based organizations and nonprofits that serve those in need, Tennessee lawmakers are not only taking us backward but actively destabilizing communities across our state.

– Lisa Sherman Luna, *Tennessee Immigrant and Refugee Rights Coalition*

Some measures have drawn large and vocal crowds of protestors, including a bill set to be heard in a House banking committee Wednesday that would require immigration checks on individuals seeking to wire funds internationally. The bill also seeks to charge public school tuition of children who cannot provide proof of legal residency.

Protestors reciting the Pledge of Allegiance on repeat forced that committee to shut down and reconvene in a separate room that limited public entry. Consideration of that bill (HB145/SB268) was ultimately shelved for a future hearing.

Inside the hearing to consider the human smuggling bill, Ashley Warbington, a Nashville resident, testified that she feared she could be charged with a crime because her husband lacks legal immigration status.

"Will this bill criminalize me for living with him?," she said. "If I refuse to open the door to (Immigrations and Custom Enforcement) agents trying to separate us, will Tennessee prosecute me for protecting my family? This bill forces people like me to constantly question whether protecting my family will make us criminals."



In a statement released after the hearing, the Tennessee Immigrant and Refugee Rights Coalition called the measure "yet another

reckless attempt to criminalize immigrant families, but its consequences extend far beyond individuals.”

“By targeting faith-based organizations and nonprofits that serve those in need, Tennessee lawmakers are not only taking us backward but actively destabilizing communities across our state,” read the statement from Lisa Sherman Luna, executive director.

The bill would also empower the Tennessee Attorney General to take action against any organization that has “committed, or is about to commit” human trafficking offenses, including issuing a restraining order, revoking its ability to operate in Tennessee or dissolving it entirely.

Offenses the bill defines as human trafficking include involuntary labor, promoting prostitution and trafficking persons for forced labor or services. An amendment to the bill removed organizations found to have committed “human smuggling” offenses – such as harboring or hiding immigrants without legal status – from the list of offences that could have made houses of worship and nonprofits a target of the attorney general action.

The bill, approved by a 7-2 party-line vote in Tuesday’s House Criminal Justice Subcommittee, is expected to be heard in the House Judiciary Committee next week. It has yet to have a hearing in Tennessee Senate committees.

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ANITA WADHWANI

Anita Wadhvani is a senior reporter for the Tennessee Lookout. The Tennessee AP Broadcasters and Media (TAPME) named her Journalist of the Year in 2019 as well as giving her the Malcolm Law Award for Investigative Journalism. Wadhvani is formerly an investigative reporter with The Tennessean who focused on the impact of public policies on the people and places across Tennessee.

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