

## Other States' Laws on Enforcing Federal Immigration Laws

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### Issue

Provide examples of other states' laws that address the extent to which state governmental entities may cooperate with federal governmental entities to enforce federal immigration laws.

### Summary

For this report, the Office of Legislative Research (OLR) reviewed laws and policies in Arizona, California, Idaho, Florida, Maine, Michigan, Montana, New Mexico, and New York that address the extent to which state governmental entities may cooperate with federal governmental entities to enforce federal immigration laws. Table 1 below summarizes these provisions and includes links to the legal authorities cited. (This report is not a comprehensive review of all state laws concerning federal immigration law enforcement.)

Of the states included in our review, Arizona, Florida, Idaho, Maine, Michigan, and Montana have laws that generally prohibit state or local officials from restricting the enforcement of federal immigration laws. Among other things, both California and New York generally restrict state or local officials from using resources to enforce federal immigration laws. New Mexico imposes no duties on state or local agencies to enforce federal immigration laws, nor prohibits any such cooperation. (We found no statute in New York or New Mexico that explicitly addresses state or local enforcement of federal immigration laws; however, we include related executive branch orders and guidance in Table 1 below.)

For information on Connecticut’s laws affecting undocumented immigrants, including the laws that address state and local law enforcement’s cooperation with federal law enforcement entities, see OLR Report [2024-R-0040](#).

You may also be interested in this National Conference of State Legislatures [database](#) of state laws enacted since 2008 addressing state enforcement of federal immigration law.

## Select States’ Laws on Federal Immigration Law Enforcement

Table 1 below summarizes laws and policies in Arizona, California, Idaho, Florida, Maine, Michigan, Montana, New Mexico, and New York that address the extent to which state governmental entities may cooperate with federal governmental entities to enforce federal immigration laws.

**Table 1: Laws in Select States Addressing State Cooperation With Federal Governmental Entities to Enforce Federal Immigration Laws**

State (Citation)	Summary
Arizona ( <a href="#">Ariz. Rev. Stat. Ann. § 11-1051</a> )	<ul style="list-style-type: none"><li>Prohibits agencies or officials of the state or any of its political subdivisions from limiting or restricting the enforcement of federal immigration laws below the fullest extent permitted by federal law.</li><li>Requires a law enforcement officer with jurisdiction in Arizona, during any lawful stop, detention, or arrest, to reasonably, when practical, determine the immigration status of the person if reasonable suspicion exists that the person is unlawfully present in the United States.</li><li>Requires that any person who is arrested in Arizona must have their immigration status determined before they are released from custody.</li><li>Requires that any person who is arrested in Arizona must have their immigration status verified with the federal government.</li><li>Prohibits law enforcement personnel from considering race, color, or national origin while implementing the requirements mentioned above.</li></ul>

Table 1 (continued)

State (Citation)	Summary
<p>California  <a href="#">(Cal. Gov't Code § 7284)</a>            [the California Values Act]</p>	<ul style="list-style-type: none"> <li>Prohibits all state law enforcement agencies from using resources to investigate, interrogate, detain, detect, or arrest a person for immigration enforcement purposes.</li> <li>Allows California law enforcement entities to enforce federal immigration laws concerning the illegal re-entry of a previously deported person from the United States if a violation is detected by law enforcement personnel investigating other potential crimes.</li> <li>Requires the California attorney general to publish model policies limiting assistance with immigration enforcement at most public facilities, while still being consistent with federal and state law.</li> <li>Requires the attorney general to, consistent with federal law, publish guidance concerning the protection of California government databases from any entity seeking access for immigration enforcement purposes.</li> </ul>
<p>California  <a href="#">(Cal. Gov't Code § 7282)</a></p>	<ul style="list-style-type: none"> <li>Authorizes California law enforcement officials to have discretion to cooperate with immigration authorities, if doing so would not violate any federal, state, or local law or local policy, and when permitted under <a href="#">the California Values Act</a> (see above), if the person has committed various serious or violent felony criminal acts.</li> </ul>
<p>California  <a href="#">(Cal. Civ. Code § 1670.9)</a></p>	<ul style="list-style-type: none"> <li>Prohibits California cities, counties, towns, or local law enforcement entities from entering into a contract with the federal government or private corporation to house or detain noncitizens for the purpose of civil immigration custody after January 1, 2018.</li> <li>Prohibits California cities, counties, towns, or local law enforcement entities from renewing or modifying the contract in a way that would expand the maximum number of beds that could be used to detain, in a locked detention facility, noncitizens for civil immigration violations after January 1, 2018.</li> </ul>

Table 1 (continued)

State (Citation)	Summary
Florida <a href="#">(Fla. Stat. Ann. § 908.101- 908.109)</a>	<ul style="list-style-type: none"> <li>• Requires Florida law enforcement agencies to use best efforts to support the enforcement of federal immigration law.</li> <li>• Prohibits restricting Florida law enforcement agencies from:               <ul style="list-style-type: none"> <li>○ sending information regarding a person's immigration status to a federal immigration agency,</li> <li>○ recording and maintaining information concerning a person's immigration status,</li> <li>○ exchanging information concerning a person's immigration status with any governmental entity with jurisdiction in Florida,</li> <li>○ using immigration information to comply with an immigration detainer, and</li> <li>○ using immigration information to confirm the identity of a person who is detained by a law enforcement entity.</li> </ul> </li> </ul>
Idaho <a href="#">(Idaho Code Ann. § 19-6102)</a>	<ul style="list-style-type: none"> <li>• Prohibits a governmental entity from having a policy prohibiting or discouraging the enforcement of immigration laws.</li> <li>• Specifically prohibits policies that prevent certain government officials or employees from:               <ul style="list-style-type: none"> <li>○ inquiring into the immigration status of a person who has been arrested or is in lawful detention in Idaho,</li> <li>○ sharing information with federal or state governmental entities,</li> <li>○ assisting or cooperating with federal immigration officers, or</li> <li>○ allowing federal immigration officers to enter and conduct enforcement activities at municipal and county jails to enforce federal immigration laws.</li> </ul> </li> </ul>
Maine <a href="#">(Me. Rev. Stat. Ann. tit. 34-B § 1433)</a>	<ul style="list-style-type: none"> <li>• Requires the chief administrative officer of a facility in the state to inquire into the nationality of a person committed if the facility is supported wholly or in part by public funds.</li> <li>• Requires the officer to immediately notify (and provide certain information to) the U.S. immigration officer in charge of the district where the facility is located.</li> <li>• Requires the clerk of the court of any jurisdiction in the state to furnish a certified copy of any record pertaining to the alien's case upon the request of the U.S. immigration officer in charge of the district where the court is located.</li> </ul>
Michigan <a href="#">(Mich. Comp. Laws Ann. § 49.21)</a>	<ul style="list-style-type: none"> <li>• Requires a prosecuting attorney to determine if there are grounds to deport persons unauthorized to be in the United States if they have been convicted of a felony under Michigan law.</li> </ul>

Table 1 (continued)

State (Citation)	Summary
Michigan <a href="#">(Mich. Comp. Laws Ann. § 404.31)</a>	<ul style="list-style-type: none"> <li>• Requires the person in charge of any state institution to report to the Department of Corrections that a person unauthorized to be in the United States is an inmate of the institution.</li> <li>• Requires the department to keep a correct list of all such persons and immediately report their presence to the nearest office of the U.S. Immigration Service.</li> <li>• When issued an order for deportation by the proper federal authorities and upon the release of the undocumented person from the institution, the person in charge of an institution must deliver the undocumented person to the custody of the U.S. officer holding the deportation warrant.</li> </ul>
Michigan <a href="#">(Mich. Comp. Laws Ann. § 791.233)</a>	<ul style="list-style-type: none"> <li>• Requires parolees to answer warrants filed by local or out-of-state agencies or immigration officials if an accredited agent of the agency filing the warrant asked for the person to be paroled in custody.</li> </ul>
Michigan <a href="#">(Mich. Comp. Laws Ann. § 791.234b)</a>	<ul style="list-style-type: none"> <li>• Requires the parole board to release a prisoner who is an undocumented person to the custody of the United States immigrations and customs enforcement for the purpose of deportation only if the prisoner:               <ul style="list-style-type: none"> <li>○ has been issued a final deportation order by the relevant federal authorities,</li> <li>○ has served at least half of their minimum sentence, and</li> <li>○ has not committed certain crimes under Michigan law.</li> </ul> </li> <li>• Prohibits the parole board from placing a prisoner on parole under this law unless it has received from the relevant federal authorities assurances that;               <ul style="list-style-type: none"> <li>○ an order for deportation will be executed or that deportation proceedings will promptly start upon release, and</li> <li>○ the prisoner will not be released from the custody of the relevant federal authorities for any reason other than deportation unless the board gets a reasonable opportunity to return the prisoner to the department's custody.</li> </ul> </li> </ul>

Table 1 (continued)

State (Citation)	Summary
<p>Montana (<a href="#">Mont. Code Ann. § 2-1-602</a>)</p>	<ul style="list-style-type: none"> <li>Prohibits state agencies and local governments from enacting, adopting, implementing, referring to, or enforcing a policy that prohibits or restricts a governmental entity, official, or employee from: <ul style="list-style-type: none"> <li>sharing information with a federal, state, or local government entity regarding a person's citizenship or immigration status;</li> <li>complying with a notification request concerning the release of an individual if the request is made by the United States Department of Homeland Security (DHS) and is compliant with applicable federal laws; or</li> <li>complying with a detainer request if the request is made lawfully by DHS and is authorized under state law.</li> </ul> </li> </ul>
<p>Montana (<a href="#">Mont. Code Ann. § 27-16-801</a>)</p>	<ul style="list-style-type: none"> <li>Requires public safety officers in possession of an immigration detainer request issued by a federal immigration agency to arrest a person who is already in custody, unless the public safety officer is presented with credible evidence that the person is authorized to be in the United States.</li> </ul>
<p>New Mexico (<a href="#">New Mexico Department of Justice Policy Guidance</a>)</p>	<p>We did not find any New Mexico state statutes addressing state or local government entities' cooperation with federal entities in the enforcement of federal immigration laws. However, the governor issued <a href="#">new policy guidance</a> on January 22, 2025, concerning immigration enforcement for state law enforcement leaders.</p> <p>Among other things, the policy guidance:</p> <ul style="list-style-type: none"> <li>affirms that New Mexico law imposes no duty on state and local law enforcement to participate in civil immigration enforcement actions initiated by the federal government,</li> <li>acknowledges that there are no prohibitions on state law enforcement entities from cooperating with federal immigration enforcement entities, and</li> <li>warns that certain types of cooperation may expose law enforcement to civil liability.</li> </ul>

Table 1 (continued)

State (Citation)	Summary
New York State ( <a href="#">Executive Order [Cuomo] No. 170</a> )	<p>We did not find any New York State statutes governing state and local cooperation with federal entities in enforcing U.S. immigration laws. However, the governor issued <a href="#">an Executive Order</a> on September 15, 2017, that:</p> <ul style="list-style-type: none"><li>• prohibits state agencies and officers from inquiring about and disclosing an individual's immigration status unless it is required by law or necessary to determine the individual's eligibility for benefits;</li><li>• prohibits state agencies and officers from disclosing information to federal immigration authorities to enforce federal civil immigration laws; and</li><li>• prohibits law enforcement officers from using resources, equipment, and personnel to detect and apprehend a person for civil immigration offenses.</li></ul> <p>New York City's laws and policies concerning the enforcement of federal immigration laws are available on the Mayor's Office of Immigrant Affairs' website, linked <a href="#">here</a>.</p>

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