

# O.C.G.A. § 36-80-23

## Copy Citation

Current through 2024 Regular and Extraordinary Session of the General Assembly.

- [Official Code of Georgia Annotated](#)
- [TITLE 36 Local Government](#)
- [Provisions Applicable to Counties, Municipal Corporations, and Other Governmental Entities \(Chs. 80 — 93\)](#)
- [CHAPTER 80 General Provisions \(§§ 36-80-1 — 36-80-31\)](#)

### 36-80-23. Prohibition on immigration sanctuary policies by local governmental entities; certification of compliance; punishment.

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(a) As used in this Code section, the term:

(1) "Federal officials or law enforcement officers" means any person employed by the United States government for the purpose of enforcing or regulating federal immigration laws and any peace officer certified by the Georgia Peace Officer Standards and Training Council where such federal official or peace officer is acting within the scope of his or her employment for the purpose of enforcing federal immigration laws or preserving homeland security.

(2) "Immigration status" means the legality or illegality of an individual's presence in the United States as determined by the federal Immigration and Nationality Act.

(3) "Immigration status information" means any information, not including any information required by law to be kept confidential but otherwise including but not limited to any statement, document, computer generated data, recording, or photograph, which is relevant to immigration status or the identity or location of an individual who is reasonably believed to be illegally residing within the United States or who is reasonably believed to be involved in domestic terrorism as that term is defined in Code Section 16-11-220 or a terroristic act as that term is defined by Code Section 35-3-62.

(4) "Local governing body" means any political subdivision of this state, including any county, consolidated government, municipality, authority, school district, commission, board, or any other local public body corporate, governmental unit, sheriff's office, law enforcement agency, or political subdivision.

(5) "Local official or employee" means any elected or appointed official, supervisor or managerial employee, contractor, agent, or certified peace officer acting on behalf of or in conjunction with a local governing body.

(6) "Sanctuary policy" means any regulation, rule, policy, or practice adopted by a local governing body which prohibits or restricts local officials or employees from complying with an immigration detainer notice or communicating or cooperating with federal officials or law enforcement officers with regard to reporting immigration status information while such local official or employee is acting within the scope of his or her official duties.

(b) No local governing body, whether acting through its governing body or by an initiative, referendum, or any other process, shall enact, adopt, implement, or enforce any sanctuary policy.

(c) Any local governing body that acts in violation of this Code section shall be subject to the withholding of state funding or state administered federal funding other than funds to provide services specified in subsection (d) of Code Section 50-36-1.

**(d)** As a condition of funding, the Department of Community Affairs, the Department of Transportation, or any other state agency that provides funding to local governing bodies shall require certification pursuant to Code Section 50-36-4 as proof of compliance with this Code section.

**(e)**

**(1)** It shall be unlawful for any local official or employee to knowingly and willfully violate any provision of this Code section.

**(2)** A person convicted of a violation of this Code section shall be punished as for a misdemeanor. A person convicted of a second or subsequent violation of this Code section shall be punished as for a misdemeanor of a high and aggravated nature.

## History

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Code 1981, § 36-80-23, enacted by Ga. L. 2009, p. 734, § 1/SB 20; Ga. L. 2013, p. 111, § 5/SB 160; Ga. L. 2016, p. 244, § 1/SB 269; Ga. L. 2020, p. 493, § 36/SB 429; Ga. L. 2024, p. 491, § 6/HB 1105, effective May 1, 2024.

### ▼ Annotations

#### Notes

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#### Amendments.

**The 2020 amendment**, effective July 29, 2020, part of an Act to revise, modernize, and correct the Code, substituted “Code Section 16-11-220” for “Code Section 16-4-10” in paragraph (a)(3).

**The 2024 amendment**, effective May 1, 2024, substituted “the federal Immigration and Nationality Act” for “federal law” at the end of paragraph (a)(2); inserted “sheriff’s office, law enforcement agency,” near the end of paragraph (a)(4); inserted “complying with an immigration detainer notice or” near the middle of paragraph (a)(6); and, added subsection (e).

#### Editor’s notes.

Ga. L. 2013, p. 111, § 2/SB 160, not codified by the General Assembly, provides that: “It is the intent of the General Assembly that all public employers and contractors at every tier and level use the federal work authorization program on all projects, jobs, and work resulting from any bid or contract and that every public employer and contractor working for a public employer take all possible steps to ensure that a legal and eligible workforce is utilized in accordance with federal immigration and employment.”

Ga. L. 2024, p. 491, § 1/HB 1105, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Georgia Criminal Alien Track and Report Act of 2024.’”