ASSEMBLY BILL NO. 376–ASSEMBLYMEN TORRES, WATTS, NGUYEN, FLORES, MARZOLA; ANDERSON, BILBRAY-AXELROD, BROWN-MAY, CONSIDINE, DURAN, GONZÁLEZ, MARTINEZ, C.H. MILLER, PETERS AND THOMAS

MARCH 22, 2021

JOINT SPONSORS: SENATORS NEAL, DONATE AND DENIS

Referred to Committee on Government Affairs

SUMMARY—Enacts the Keep Nevada Working Act and makes various other changes relating to immigration. (BDR 14-737)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

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 $EXPLANATION-Matter \ in \textit{bolded italics} \ is \ new; \ matter \ between \ brackets \ \textit{{comitted material}} \ is \ material \ to \ be \ omitted.$

AN ACT relating to immigration; enacting the Keep Nevada Working Act; prohibiting certain state and local agencies from certain actions relating to immigration enforcement; prohibiting certain state or local law enforcement agencies, school police units and campus police departments from collecting, using and providing certain information to federal immigration authorities; requiring state or local law enforcement agencies to provide certain disclosures to persons before making inquiries relating to immigration; limiting the circumstances under which a state or local law enforcement agency may permit federal immigration authorities to interview persons who are under state or local custody; prohibiting state or local law enforcement agencies from detaining persons on the basis of a hold request or for the purpose of determining the immigration status of the person; prohibiting state or local law enforcement agencies from contracting for or otherwise using the language services of federal immigration authorities; creating the Keep Nevada Working Task Force and establishing the power and duties of the Task Force; and providing other matters properly relating thereto.





Legislative Counsel's Digest:

Section 2 of this bill declares that the primary purpose of certain law enforcement agencies and related entities in this State is not to enforce immigration. **Sections 4-7** of this bill define the terms "campus police department," "federal immigration authority," "notification request" and "state or local law enforcement agency," respectively for the purposes of **sections 2-14** of this bill.

Sections 8 and 9 of this bill prohibit state or local law enforcement agencies, school police units and campus police departments from providing certain information pursuant to a notification request from a federal immigration authority. Section 9 of this bill additionally prohibits state or local law enforcement agencies from providing federal immigration authorities with certain personal demographic information of persons subject to the custody or supervision of the state or local law enforcement agency.

Section 8 of this bill also prohibits school police units and campus police departments from inquiring into and collecting information concerning the immigration or citizenship status of a person or the place of birth of the person. Section 9 sets forth the same prohibition for state or local law enforcement agencies unless there is a direct connection between the information sought and a criminal violation of a state law or local ordinance. In such circumstances where the state or local law enforcement agency is permitted to make such an inquiry, section 9 requires the state or local law enforcement agency, before making the inquiry, to provide certain disclosures to the person and an interpreter for the disclosures under certain circumstances. Section 29 of this bill makes a conforming change by repealing provisions of law which require certain disclosures be made to a person in a county or city jail or a detention facility before questioning the person regarding his or her immigration status, as such disclosures are encompassed by and expanded under section 9.

Additionally, section 10 of this bill prohibits state or local law enforcement agencies from using agency money or personnel to investigate, question, interrogate, detain, detect or arrest a person for the purpose of immigration enforcement.

Section 11 of this bill prohibits state or local law enforcement agencies from detaining a person solely for the purpose of determining the immigration status of the person. Additionally, section 11 prohibits state or local law enforcement agencies from detaining a person on the basis of a hold request relating to immigration enforcement unless the hold request is: (1) accompanied by a warrant for the arrest of the person; or (2) supported by probable cause that the person has committed a crime independent of the crime for which the state or local law enforcement agency originally asserted custody over the person.

Section 12 of this bill prohibits state or local law enforcement agencies from permitting federal immigration authorities to interview a person who is subject to state or local custody concerning a noncriminal matter unless: (1) the interview is required by law or court order; or (2) the person consents in writing to the interview. Specifically, section 12 requires the state or local law enforcement agency to provide certain oral and written disclosures to the person before obtaining such written consent and requires the use of an interpreter for the disclosures under certain circumstances.

Section 13 of this bill prohibits school police units, campus police departments and state or local law enforcement agencies from entering into contracts for the provision of language services by federal immigration authorities or otherwise accepting the provision of such language services.

Section 14 of this bill requires the Attorney General to publish model policies which provide guidance and training recommendations to state or local law enforcement agencies and which must be consistent with sections 2-14. Section 14 also requires each state or local law enforcement agency to: (1) adopt policies that





are consistent with the model policies of the Attorney General; or (2) notify the Attorney General that the state or local law enforcement agency is not adopting policies consistent with the model policies.

Section 18 of this bill creates the Keep Nevada Working Task Force and sets forth the membership of the Task Force. Section 26 of this bill provides for the appointment of the members to the Task Force. Section 19 of this bill requires the Task Force to meet quarterly and sets forth various other administrative functions. Finally, section 20 of this bill prescribes the duties of the Task Force and requires the Task Force to submit an annual report to the Director of the Legislative Counsel Bureau for transmission to the Legislative Commission.

Section 22 of this bill prohibits state or local agencies from using agency funds, facilities, property, equipment or personnel to investigate, enforce, cooperate with or assist in the investigation or enforcement of any federal registration or surveillance program or any other law, rule or policy that targets residents exclusively on the basis of race, religion, immigration or citizenship status or national or ethnic origin. Sections 23 and 25 of this bill require certain agencies of this State to publish agency policies which are consistent with section 22 and which relate to the collection, use and disclosure of information by the agency and the provision of its services.

Section 24 of this bill requires the Attorney General to publish model policies which provide recommendations to limit immigration enforcement at public schools, institutions of higher education, certain health care facilities and courthouses. Additionally, section 24 requires such entities to: (1) adopt policies consistent with the model policies of the Attorney General; or (2) notify the Attorney General that the entity is not adopting policies consistent with the model policies of the Attorney General. Section 24 also encourages certain other organizations to adopt policies consistent with the model policies of the Attorney General.

WHEREAS, The economy of this State encompasses a broad range of industries necessitating the need for a skilled workforce in a variety of industries to ensure the economic vitality of this State; and

WHEREAS, Immigrants make up 19 percent of the population in this State, with immigrants accounting for approximately one in every four workers in this State; and

WHEREAS, Business owners have a large impact on the economy of this State through innovation and the creation of jobs, and immigrants account for approximately 30 percent of business owners in this State; and

WHEREAS, In recognition of the significant contribution of immigrants to the overall prosperity and strength of this State, there is a compelling interest in ensuring that this State remains a place where the rights and dignity of all residents are maintained and protected in order to keep this State working; now, therefore,





THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- **Section 1.** Chapter 178 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.
 - Sec. 2. The Legislature hereby finds and declares that:
- 1. It is not the primary purpose of state or local law enforcement agencies, school police units or campus police departments to enforce civil federal immigration law.
- 2. State or local law enforcement agencies, school police units or campus police departments should not be concerned with any matter which exclusively involves one or more of the following circumstances:
 - (a) The immigration status of a person;
 - (b) The presence of a person in the United States;
 - (c) The entry or reentry of a person into the United States; or
 - (d) The employment of a person in the United States.
- 3. Federal immigration authorities have primary jurisdiction over the enforcement of Title 8 of the United States Code relating to the illegal entry of persons into the United States.
- Sec. 3. As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.
- Sec. 4. "Campus police department" has the meaning ascribed to it in NRS 179D.015.
- Sec. 5. "Federal immigration authority" means any officer, employee or person who is paid by or acting as an agent of:
- 1. The United States Immigration and Customs Enforcement of the United States Department of Homeland Security, or any division thereof:
- 2. The United States Customs and Border Protection of the United States Department of Homeland Security, or any division thereof; or
- 3. The United States Department of Homeland Security or any other component thereof charged with immigration enforcement.
- Sec. 6. "Notification request" means a request from a federal immigration authority for information concerning the date and time for the release of a person under the custody or supervision of a state or local law enforcement agency.
 - Sec. 7. "State or local law enforcement agency" means:
 - 1. The sheriff's office of a county;
 - 2. A metropolitan police department;





3. A police department of an incorporated city;

4. Any entity authorized to operate a prison, jail or detention facility, including, without limitation, any facility for the detention of juveniles;

5. The Division of Parole and Probation of the Department of

Public Safety; and

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6. Any department of alternative sentencing.

Sec. 8. A school police unit or campus police department shall not:

- 1. Inquire into or collect information concerning:
- (a) The immigration or citizenship status of a person; or

(b) The place of birth of a person.

2. Provide information pursuant to a notification request, except as otherwise required by law.

Sec. 9. 1. A state or local law enforcement agency shall not inquire into or collect information relating to the immigration or citizenship status of a person or the place of birth of the person unless there is a direct connection between the information sought and a criminal violation of a state law or local ordinance.

2. Except as otherwise provided by law, a state or local law enforcement agency shall not provide federal immigration

authorities with:

(a) Information pursuant to a notification request; or

(b) Personal demographic information that is not publicly available concerning a person subject to the custody or supervision of the state or local law enforcement agency.

3. A state or local law enforcement agency who seeks to question a person concerning his or her immigration or citizenship status or place of birth in accordance with subsection 1 shall, before making such an inquiry:

(a) Inform the person of the purpose of the questions concerning his or her immigration or citizenship status or place of

birth:

(b) Warn the person that any statement made about his or her immigration or citizenship status or place of birth may be shared with federal immigration authorities and possibly used in a federal proceeding for the deportation or removal of the person; and

(c) Inform the person whether he or she is required by law to answer the questions concerning his or her immigration or citizenship status or place of birth. If the person is not so required,

inform the person of that fact.

4. The state or local law enforcement agency making an inquiry pursuant to this section shall, to the extent practicable, provide an interpreter for translation of the disclosures required pursuant to subsection 3.





5. As used in this section, "personal demographic information" means any information relating to race, color, gender identity or expression, age, religion, disability, national origin, place of birth, ancestry, sexual orientation, marital status, military status, order of protection status, pregnancy, unfavorable discharge from military service or any other information concerning a person that could be used to contact, track, locate, identify or reasonably infer the identity of the person.

Sec. 10. In addition to any limitation pursuant to section 22 of this act, a state or local law enforcement agency shall not use agency money or personnel to investigate, question, interrogate, detain, detect or arrest any person for immigration enforcement purposes.

Sec. 11. 1. A state or local law enforcement agency shall not detain a person:

(a) Solely for the purpose of determining the immigration status of the person; or

(b) On the basis of a hold request unless the hold request is:

(1) Accompanied by a warrant which is:

(I) Based upon probable cause; and

(II) Issued by a federal judge or federal magistrate judge; or

(2) Supported by probable cause to believe that the person subject to the hold request has committed a crime independent of the underlying crime for which the state or local law enforcement agency originally asserted custody over the person.

- 2. As used in this section, "hold request" means a request by a federal immigration authority that a state or local law enforcement agency maintain custody of a person who is in the custody of the state or local law enforcement agency beyond the time the person would otherwise be eligible for release to facilitate the transfer of custody of the person to the federal immigration authority.
- Sec. 12. 1. A state or local law enforcement agency shall not permit a federal immigration authority to interview a person about a noncriminal matter while the person is in the custody of the state or local law enforcement agency unless:
 - (a) The interview is required by law or court order; or
- (b) The state or local law enforcement agency obtains the written consent of the person.
- 2. Before obtaining the written consent of the person, the state or local law enforcement agency shall disclose orally and in writing:
- (a) The purpose of the interview with the federal immigration authority;





- (b) That the interview with the federal immigration authority is voluntary and that the person will not be punished or suffer retaliation for declining to be interviewed by the federal immigration authority; and
 - (c) That the person:

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(1) May decline to be interviewed by the federal immigration authority; or

(2) Require that his or her attorney be present for the

interview with the federal immigration authority.

The state or local law enforcement agency shall:

- (a) Make the written disclosures available in English and Spanish and any other language prescribed by the state or local law enforcement agency; and
- (b) Use an interpreter for the oral disclosures if the person is unable to read the written disclosures.
- Sec. 13. A state or local law enforcement agency, school police unit or campus police department shall not:

Enter into or renew a contract for the provision of language services from federal immigration authorities; or

2. Accept any language services offered for free or otherwise

by federal immigration authorities.

- Sec. 14. 1. The Attorney General shall, in consultation with relevant stakeholders, publish model policies which provide guidance and training recommendations to state or local law enforcement agencies. The model policies must:
- (a) Be consistent with sections 2 to 14, inclusive, of this act; and
 - (b) Prioritize guidance and training recommendations which:

(1) Foster trust between the community and state or local law enforcement agencies; and

- (2) Limit, to the fullest extent practicable and consistent with any applicable law, the engagement of state or local law enforcement agencies with federal immigration authorities for the purpose of immigration enforcement.
 - 2. Every state or local law enforcement agency shall:
- (a) Adopt policies consistent with the model policies of the Attorney General; or
- (b) Notify the Attorney General that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General.
- The notification described in subsection 2 must include, without limitation:
- (a) The reason that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General; and





1 (b) A copy of the policies of the state or local law enforcement 2 agency.

Sec. 15. Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 20, inclusive, of this act.

- Sec. 16. Sections 16 to 20, inclusive, of this act may be cited as the Keep Nevada Working Act.
- Sec. 17. As used in sections 16 to 20, inclusive, of this act, "Task Force" means the Keep Nevada Working Task Force created by section 18 of this act.
- Sec. 18. 1. The Keep Nevada Working Task Force is hereby created within the Office for New Americans established pursuant to NRS 223.910.
 - 2. The Task Force consists of:

- (a) The Director of the Office for New Americans, or his or her designee;
- (b) Four members appointed by the Legislative Commission; and
 - (c) Four members appointed by the Governor.
- 3. Every member appointed to the Task Force shall represent at least one of the following:
 - (a) An immigrant advocacy group;
 - (b) A professional association representing business;
 - (c) A labor organization with a statewide presence;
 - (d) An agricultural interest;
 - (e) A legal interest of immigrants;
 - (f) A faith-based, nonprofit organization;
- (g) An advocacy group which focuses on immigration and criminal justice;
 - (h) An institution of higher education; or
 - (i) A state or local law enforcement agency.
- 4. After the initial terms, the members of the Task Force serve terms of 3 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.
- 5. The members of the Task Force serve without compensation.
- Sec. 19. 1. At the first meeting of each fiscal year, the Task Force shall elect from its members a Chair and a Vice Chair.
- 2. The Task Force shall meet at least once each quarter and hold meetings at various locations throughout the State.
- 3 A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of these members present at the meeting is sufficient for any official action taken by the Task Force.





Sec. 20. 1. The Task Force shall:

(a) Develop strategies with private sector businesses, labor organizations and immigrant advocacy groups to support current and future industries across this State;

(b) Conduct research on methods to strengthen career pathways for immigrants and create enhanced partnerships with

projected growth industries;

(c) Support the efforts of business and agriculture leadership, civic groups, government and immigrant advocacy groups to provide predictability and stability to the workforce in the agriculture industry; and

(d) Recommend approaches to improve the ability of this State to attract and retain immigrant business owners that provide new

business and trade opportunities.

- 2. On or before July 1, 2022, and on or before July 1 of each subsequent year, the Task Force shall submit a written report to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission. The report must include, without limitation, a summary of the work of the Task Force and any recommendations for legislation.
- 3. The Director of the Office for New Americans shall provide personnel, facilities, equipment and supplies as required by the Task Force to carry out its duties.
- **Sec. 21.** Chapter 237 of NRS is hereby amended by adding thereto the provisions set forth as sections 22 to 25, inclusive, of this act.

Sec. 22. 1. Except as otherwise provided in subsection 2, an agency of this State or a political subdivision thereof shall not:

- (a) Use agency funds, facilities, property, equipment or personnel to investigate, enforce, cooperate with or assist in the investigation or enforcement of any federal registration or surveillance program or any other law, rule or policy that targets residents of this State solely on the basis of race, religion, immigration or citizenship status or national or ethnic origin.
- (b) Condition the provision of agency services on or otherwise require proof of the immigration or citizenship status of a person or the place of birth of the person.
- 2. An agency of this State or political subdivision thereof may collect, use or disclose information that would otherwise violate subsection 1, if the collection, use or disclosure is:
 - (a) Required by law or court order;
- (b) Necessary to perform agency duties, functions or other business and such performance:
 - (1) Is expressly authorized by law; and
 - (2) Is not related to immigration enforcement;





(c) Required to comply with policies, grants, waivers or other requirements necessary to maintain the funding of the agency; or

(d) Provided in aggregate form or another like form which

does not include personally identifiable information.

- Sec. 23. The following agencies shall each publish agency policies which are consistent with section 22 of this act and which relate to the collection, use and disclosure of information by the agency and the provision of services to persons in this State regardless of the immigration or citizenship status of the person or his or her place of birth:
 - The Department of Business and Industry;

2. The Department of Education;

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- 3. The Department of Employment, **Training** and Rehabilitation:
 - 4. The Department of Health and Human Services;
 - *5*. The Department of Motor Vehicles;
 - 6. The Department of Public Safety; and

The Department of Taxation.

Sec. 24. 1. The Attorney General shall, in consultation with relevant stakeholders, publish model policies for limiting, to the fullest extent possible and consistent with any applicable law, immigration enforcement at public schools, institutions of higher education, health care facilities and courthouses to ensure that such places remain safe and accessible to residents of this State regardless of the immigration or citizenship of such persons.

2. Every public school, institution of higher education, health

care facility and courthouse of this State shall:

(a) Adopt policies consistent with the model policies of the Attorney General; or

(b) Notify the Attorney General that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General.

3. Any organization that provides services relating to physical or mental health and wellness, education or access to justice is encouraged to adopt policies consistent with the model policies of

the Attorney General.

- The notification described in subsection 2 must include, without limitation:
- (a) The reason that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General: and
- (b) A copy of the policies of the public school, institution of higher education, health care facility or courthouse, as applicable.





- 5. A policy adopted pursuant to this section must comply with:
 - (a) Any applicable law;

- (b) Any policy, grant, waiver or other requirement necessary to maintain the funding of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable; and
- (c) Any agreement related to the operation and functions of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable.
 - 6. As used in this section:
- (a) "Health care facility" means a facility licensed pursuant to chapter 449 of NRS and which is operated by this State or a political subdivision thereof.
- (b) "Institution of higher education" has the meaning ascribed to it in NRS 179D.045.
- (c) "Public school" means any school described in NRS 388.020.
- **Sec. 25.** Section 23 of this act is hereby amended to read as follows:
 - Sec. 23. The following agencies shall each publish agency policies which are consistent with section 22 of this act and which relate to the collection, use and disclosure of information by the agency and the provision of services to persons in this State regardless of the immigration or citizenship status of the person or his or her place of birth:
 - 1. The State Department of Agriculture;
 - 2. The Department of Business and Industry;
 - [2.] 3. The State Department of Conservation and Natural Resources;
 - 4. The Department of Education;
 - [3.] 5. The Department of Employment, Training and Rehabilitation;
 - [4.] 6. The Department of Health and Human Services;
 - [5.] 7. The Department of Motor Vehicles;
 - [6.] 8. The Department of Public Safety; [and
 - $\frac{7.1}{9}$. The Department of Taxation $\frac{1}{1.1}$;
 - 10. The Department of Transportation;
 - 11. The Department of Wildlife; and
 - 12. The Public Employees' Retirement System.
- **Sec. 26.** 1. As soon as practicable after July 1, 2021, the Governor and the Legislative Commission, as applicable, shall appoint the members of the Keep Nevada Working Task Force described in subsection 2 of section 18 of this act.





- 2. The terms of the members of the Keep Nevada Working Task Force appointed pursuant to subsection 1 expire on June 30, 2024.
- **Sec. 27.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.
- **Sec. 28.** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.
 - **Sec. 29.** NRS 211.007 is hereby repealed.
- **Sec. 30.** 1. This section and sections 1 to 13, inclusive, sections 15 to 22, inclusive, and sections 26 to 29, inclusive, of this act become effective on July 1, 2021.
 - 2. Sections 14 and 24 of this act become effective:
- (a) On July 1, 2021, for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of sections 14 and 24 of this act; and
 - (b) On July 1, 2022, for all other purposes.
 - 3. Section 23 of this act becomes effective:
- (a) On July 1, 2021, for the purposes of performing any preparatory administrative tasks necessary to carry out the provisions of section 23 of this act; and
 - (b) On October 1, 2021, for all other purposes.
 - 4. Section 25 of this act becomes effective:
- (a) On January 1, 2022, for the purposes of performing any preparatory administrative tasks necessary to carry out the provisions of section 25 of this act; and
 - (b) On April 1, 2022, for all other purposes.

TEXT OF REPEALED SECTION

211.007 Required information before questioning prisoner regarding immigration status. Before questioning a prisoner who is in the custody of a county or city jail or detention facility regarding his or her immigration status, the person seeking to question the prisoner shall inform the prisoner of the purpose of the questions regarding the immigration status of the prisoner.





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