

§4763. Regulated activities**1. Prohibited activities.** A law enforcement agency may not:

A. Except as provided in subsection 2, use agency or department money or personnel to investigate, interrogate, detain, detect, stop, arrest or search a person for immigration enforcement purposes, including:

- (1) Inquiring into a person's immigration status;
- (2) Detaining a person solely on the basis of a hold request;
- (3) Providing to immigration authorities information regarding the person's release date unless that information is available to the public;
- (4) Providing to immigration authorities personal information about the person, including the person's home address or work address;
- (5) Making or intentionally participating in an arrest based upon a hold request;
- (6) Assisting immigration authorities in activities described in 8 United States Code, Section 1357(a)(3); or
- (7) Performing the functions of an immigration authority; [PL 2025, c. 517, §1 (NEW).]

B. Place a law enforcement officer under the supervision of a federal agency or employ a law enforcement officer deputized as a special federal officer or special federal deputy for immigration enforcement; [PL 2025, c. 517, §1 (NEW).]

C. Use an agent or employee of an immigration authority as an interpreter for local law enforcement agency matters regarding a person in the law enforcement agency's custody; or [PL 2025, c. 517, §1 (NEW).]

D. Transfer a person to an immigration authority unless authorized by a court order or criminal warrant. [PL 2025, c. 517, §1 (NEW).]

With the exception of willful or wanton misconduct, a law enforcement agency that acts in good faith compliance with this section in releasing a person subject to a hold request is immune from civil or criminal liability as a result of making the release.

[PL 2025, c. 517, §1 (NEW).]

2. Permitted activities. Notwithstanding the provisions of subsection 1, if an activity does not violate a policy of the law enforcement agency or a state or local law or policy of the jurisdiction in which the agency is operating, a law enforcement agency may:

A. Investigate, take enforcement action against or detain a person upon reasonable suspicion of or arrest a person for a violation of 8 United States Code, Section 1326 that may be subject to the enhancement specified under 8 United States Code, Section 1326(b)(2) and that is detected during an unrelated law enforcement activity. A transfer to an immigration authority under this paragraph is permitted only if authorized by a court order or criminal warrant; [PL 2025, c. 517, §1 (NEW).]

B. Respond to a request from an immigration authority for information about a specific person's criminal history, including a previous criminal arrest or conviction or similar public criminal history record information accessed under Title 16, chapter 7, when otherwise permitted by state law; [PL 2025, c. 517, §1 (NEW).]

C. Conduct enforcement or investigative duties associated with a joint law enforcement task force, including the execution of a warrant or sharing of confidential information with a federal law enforcement agency or another law enforcement agency, for the purpose of a task force investigation, if:

- (1) The primary purpose of the joint law enforcement task force is not immigration enforcement;
- (2) The enforcement or investigative duties are primarily related to a violation of state or federal law, including but not limited to terrorism, drug trafficking or human trafficking; and
- (3) Participation in the task force by the law enforcement agency does not violate any state or local law or policy to which the agency is subject; [PL 2025, c. 517, §1 (NEW).]

D. Make an inquiry into information necessary to certify an individual identified as a potential crime or trafficking victim for a visa pursuant to 8 United States Code, Section 1101(a)(15)(T) or 1101(a)(15)(U) or to comply with 18 United States Code, Section 922(d)(5); or [PL 2025, c. 517, §1 (NEW).]

E. Give an immigration authority access to interview an individual in the custody of the agency, as long as the immigration authority's interview request is supported by a valid court order. [PL 2025, c. 517, §1 (NEW).]

[PL 2025, c. 517, §1 (NEW).]

SECTION HISTORY

PL 2025, c. 517, §1 (NEW). PL 2025, c. 655, Pt. C, §1 (AMD).

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