

2026 -- H 8347

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LC006165
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RESTRICTIONS ON STATE
AND MUNICIPAL COOPERATION WITH CIVIL IMMIGRATION ENFORCEMENT

Introduced By: Representatives J. Lombardi, Cruz, Perez, Alzate, Potter, Stewart,
Sanchez, and Morales

Date Introduced: March 25, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative intent.

2 (1) The general assembly finds that enforcement of federal civil immigration law is a
3 federal function.

4 (2) This act is intended to decline voluntary participation in federal civil immigration
5 enforcement, pursuant to the Tenth Amendment of the United States Constitution, and consistent
6 with the anti-commandeering doctrine.

7 (3) Nothing in this act shall be construed to:

8 (i) Prohibit compliance with a judicial warrant or court order issued by a court of competent
9 jurisdiction;

10 (ii) Prohibit communication of information regarding citizenship or immigration status as
11 otherwise required by law;

12 (iii) Interfere with the execution of federal law by federal officers acting within the scope
13 of their lawful authority; or

14 (iv) Prevent state or local cooperation in the investigation or prosecution of criminal
15 offenses. For the avoidance of doubt, immigration status alone, including status as an
16 undocumented individual resulting from unlawful entry, unlawful reentry, or failure to depart, or
17 lawful presence in the United States as a nonimmigrant visa holder, refugee, asylee, or lawful
18 permanent resident, shall not be considered a "criminal offense" or "violation of criminal law," as

1 used in this act.

2 SECTION 2. Title 42 of the General Laws entitled "STATE AFFAIRS AND
3 GOVERNMENT" is hereby amended by adding thereto the following chapter:

4 CHAPTER 161.1

5 RESTRICTIONS ON STATE AND MUNICIPAL COOPERATION WITH CIVIL

6 IMMIGRATION ENFORCEMENT

7 **42-161.1-1. Definitions.**

8 As used in this chapter:

9 (1) "Administrative warrant" means a warrant of removal/deportation or a warrant for arrest
10 signed by an immigration agent, which is not a judicial warrant.

11 (2) "Assist" or "cooperate" means to expend state or local resources for the primary purpose
12 of facilitating civil immigration enforcement.

13 (3) "Civil immigration detainer" means a detainer issued by U.S. Immigration and Customs
14 Enforcement, a component of the Department of Homeland Security, pursuant to 8 CFR 287.7.

15 (4) "Civil immigration enforcement" means the investigation, detention, transfer, or
16 removal of noncitizens under federal immigration law.

17 (5) "Immigration agent" means any officer, employee, or authorized representative of a
18 federal agency charged with enforcement of federal civil immigration laws.

19 (6) "In custody" means detained, arrested, incarcerated, or otherwise deprived of liberty by
20 a law enforcement agency.

21 (7) "Judicial warrant" or "court order" means a lawful judicial warrant or court order signed
22 by a judge appointed pursuant to Article III of the United States Constitution, or a United States
23 district court magistrate, that authorizes the specific action requested.

24 (8) "Law enforcement agency" means an agency of the state or of a unit of local
25 government charged with enforcement of state, or municipal laws, or with managing custody of
26 detained persons in the state; or with probation and parole; and includes state and municipal
27 prosecutors, their employees and agents.

28 (9) "Law enforcement official" means any individual with the power to arrest or detain
29 individuals, including law enforcement officers, correctional officers, division of sheriffs,
30 probation officers, and others employed or designated by a law enforcement agency.

31 (10) "Non-public information" means information not otherwise available to the general
32 public through official public records or routine public access.

33 **42-161.1-2. Limitations on use of state resources.**

34 (a) No state agency, office, department, or other unit of state government, and no unit of

1 local government, or their subdivisions, may enter into or renew any agreement under 8 U.S.C. §
2 1357(g) or any similar intergovernmental service agreement, contract, or policy, formal or
3 informal, for the purpose of civil immigration enforcement, processing, detention, housing, or
4 removal.

5 (b) Except as required by federal or state law, or upon presentation of a valid judicial
6 warrant or court order, no law enforcement agency, or law enforcement official acting in an official
7 capacity, shall:

8 (1) Participate in, assist, or cooperate with an immigration agent in the enforcement of civil
9 immigration laws;

10 (2) Provide an immigration agent nonconsensual access, whether in person, by telephone,
11 electronically, or otherwise, to any individual in the custody of the agency for purposes of civil
12 immigration enforcement interviews;

13 (3) Transfer or otherwise facilitate the transfer of any individual into the custody of an
14 immigration agent;

15 (4) Permit the use of personnel facilities, equipment, property, non-public information, or
16 other resources by an immigration agent for purposes of civil immigration enforcement;

17 (5) Allow immigration agents use of secure facilities, non-public office space, or non-
18 public law enforcement databases for civil immigration enforcement purposes;

19 (6) Disclose non-public information in response to a request from a federal immigration
20 agent regarding an individual in the custody of the agency for purposes of civil immigration
21 enforcement; or

22 (7) Provide advance notification of release dates, transfer dates, or custodial status changes
23 where such information is non-public and requested for purposes of civil immigration enforcement.

24 (c) A law enforcement agency, or law enforcement official acting in an official capacity,
25 may provide advance notice of a release date to a civil immigration officer only if the detainee is
26 charged with a capital offense.

27 (d) Nothing in this section shall preclude a law enforcement official from otherwise
28 executing that official's duties in investigating violations of criminal law and cooperating in such
29 investigations with federal and other law enforcement agencies.

30 **42-161.1-3. No extension of custody.**

31 (a) A law enforcement agency shall not detain an individual or extend an individual's
32 detention beyond the time the individual would otherwise be released solely for purposes of civil
33 immigration enforcement, absent a judicial warrant or court order.

34 (b) A civil immigration detainer, administrative warrant, or request for notification shall

1 not constitute probable cause for continued detention under Rhode Island law.

2 **42-161.1-4. Remedies.**

3 (a) Any person aggrieved by a violation of this chapter may bring a civil action for
4 declaratory and equitable relief.

5 (b) A prevailing plaintiff shall be entitled to reasonable attorneys' fees and costs.

6 **42-161.1-5. Severability.**

7 If any provision of this chapter, or the application thereof, is held invalid, such
8 determination shall not affect the provisions or applications of this chapter which can be given
9 effect without the invalid provision or application, and to that end the provisions of this chapter are
10 severable.

11 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RESTRICTIONS ON STATE
AND MUNICIPAL COOPERATION WITH CIVIL IMMIGRATION ENFORCEMENT

1 This act would prohibit state or local authorities from voluntary participation in federal
2 civil immigration enforcement. It would not prohibit compliance with a judicial warrant or court
3 order issued by a court of competent jurisdiction.

4 This act would take effect upon passage.

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