

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS
FISCAL IMPACT STATEMENT**

LS 6446
BILL NUMBER: SB 76

NOTE PREPARED: Jan 26, 2026
BILL AMENDED: Jan 22, 2025

SUBJECT: Immigration Matters.

FIRST AUTHOR: Sen. Brown L
FIRST SPONSOR: Rep. Prescott

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill contains the following provisions:

Defense: The bill provides that if a law enforcement officer, governmental body, or postsecondary educational institution is made a party to a civil suit and the Attorney General determines that the suit has arisen out of certain immigration matters, the Attorney General may defend the law enforcement officer, the governmental body, or the postsecondary educational institution if representation is requested.

Immigration Enforcement: It provides that the prohibition on governmental bodies or postsecondary educational institutions limiting or restricting the enforcement of federal immigration law applies regardless of whether the enforcement is carried out by a federal, state, or local law enforcement agency.

Funding: The bill allows the governor to withhold grants or state funding to a governmental body for a period not to exceed one year if the governmental body is found to have violated certain requirements concerning an immigration detainer.

Immigration Detainer: The bill provides that a governmental body that has the custody of an individual who is the subject of an immigration detainer request shall:

- (1) provide the judge authorized to grant or deny the individual's release on bail notice that the individual is subject to an immigration detainer request;
- (2) record in the individual's case file that the individual is subject to an immigration detainer request;
- (3) comply with the immigration detainer request; and
- (4) inform the individual that the individual is being held pursuant to an immigration detainer request.

The bill requires a judge who receives notice that an individual is subject to an immigration detainer request to ensure that the notice of the immigration detainer request is recorded in the court's record.

Department of Correction: The bill requires the Department of Correction to adopt minimum standards for

county jails to ensure proper cooperation between a jail and the United States Immigration and Customs Enforcement, including enforcement of statutory requirements concerning an immigration detainer and allows for an affirmative defense if an officer has completed a training on the standards.

Hiring Practices: The bill prohibits an employer from knowingly or intentionally hiring or employing an unauthorized alien.

The bill provides that if the Attorney General, an agency, or a law enforcement agency determines that probable cause exists that an employer has hired or employed an unauthorized alien the agency, attorney general, or law enforcement agency shall provide notice to the United States Department of Homeland Security and the Commissioner of Labor.

Family and Social Services Agency: The bill requires the Office of the Secretary to submit a report to the Legislative Council concerning certain immigration matters.

Indecent Nuisance Investigations: It provides that indecent nuisance means a place in which human trafficking conducted and is not limited to a public place. The bill provides that a governmental entity that employs a prosecuting official is entitled to investigative costs and costs in an indecent nuisance action.

Effective Date: Upon passage; July 1, 2026.

Explanation of State Expenditures: *Attorney General (AG):* This bill provides that the AG may conduct investigations, enforce compliance and impose civil penalties in support of the enforcement of immigration laws by federal, state or local law enforcement agencies. It also provides that employers must exercise "reasonable diligence to confirm the work eligibility of an individual," and that the AG may take a number of actions to enforce this requirement.

The bill specifies penalties in the forms of temporary or permanent suspension of business operating licenses. It also allows for the imposition of probationary periods during which a business will have to file quarterly reports with the AG. Managing the probation of businesses will increase AG workload.

The bill provides that, if requested, the AG may defend a law enforcement officer, governmental body, or postsecondary institution in a civil suit if the AG determines that the suit arises from an act authorized or required by this bill. These requirements are likely to result in an increase in workload for the AG's office, and the impact will vary depending on compliance with existing requirements regarding immigration enforcement. The AG can implement the bill's provisions within current resources.

Family and Social Services Agency: The bill requires the Secretary of Family and Social Services to provide certain information in a report to Legislative Council. These requirements create a workload increase for the agency, but the requirements should be met within existing resources.

Mens Rea: This bill provides that a court will enjoin a government body or postsecondary educational institution that attempts to limit or restrict the enforcement of immigration law. Under current law, the body or institution must do so "knowingly or intentionally." This change could result in a greater number of enjoinders than under current law, but any increase is likely to be small.

Funding: The bill authorizes the Governor to withhold funds from a governmental body if it found in violation of the bill's provisions. This could potentially reduce state expenditures by an indeterminable but

likely minimal amount.

Department of Correction: The Department of Correction is required to develop procedures to ensure cooperation with immigration officials. This process entails selection of and consultation with a committee of at least five sheriffs each of which are entitled to per diem and travel expenses. Proposed standards are provided to each sheriff and each board of county commissioners in the state, who are solicited for feedback. The final proposal is subject to a public hearing. These requirements will increase the workload for the Department of Correction in the short term and may require additional resources.

Explanation of State Revenues: *Indecent Nuisance Investigations:* This bill expands the costs for which a governmental entity may be reimbursed to include the investigative costs and court costs associated with the successful prosecution of an indecent nuisance. If the case is prosecuted by the AG, these costs will be deposited in the state General Fund. The impact of this provision will depend on actions by investigators and the AG and is currently indeterminable.

Explanation of Local Expenditures: *Immigration Detainer Requests:* This bill requires government bodies to record, comply with and notify other entities of immigration detainer requests for people in their custody. The bill also includes additional notification requirements for courts and court officials. These requirements will increase the workload for all affected entities, but any increase should be able to be met within existing resources. Failure to comply with these provisions may result in injunction proceedings that may necessitate additional expenditures on legal representation.

Explanation of Local Revenues: *Indecent Nuisance Investigations:* This bill expands the costs for which a governmental entity may be reimbursed to include the investigative costs and court costs associated with the successful prosecution of an indecent nuisance. Collected costs associated with each case will be deposited in the budget or general fund of the local unit that employs the prosecuting official that brings the case. The impact of this provision will depend on actions by investigators and prosecutors and is currently indeterminable.

Funding: Local units could have state funds withheld if they violate the provisions in the bills. The duration is limited to one year. Any revenue reduction would depend on the local unit's compliance and the Governor's discretion.

State Agencies Affected: State educational institutions; Attorney General; state governmental bodies; Department of Correction; Family and Social Services Agency; Occupational Safety Standards Commission.

Local Agencies Affected: Trial courts, city and town courts; law enforcement agencies; local governmental bodies.

Information Sources:

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