



**HOUSE BILL 2219**

By Garrett

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 7; Title 8; Title 16; Title 17; Title 38; Title 39;  
Title 40 and Title 41, relative to immigration.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-68-104(d), is amended by deleting the language "less than ninety (90) days nor".

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to HB2219

Crawford  
Signature of Sponsor

**AMEND Senate Bill No. 2223\***

**House Bill No. 2219**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 7-68-105(b), is amended by deleting the subsection and substituting:

(1)

(A) Except as otherwise provided in this subsection (b), by January 1, 2027, the sheriff of each county must enter into an agreement under an available federal 287(g) program pursuant to the Immigration and Nationality Act (8 U.S.C. § 1357(g)) with the appropriate federal official, concerning the enforcement of federal immigration law. An agreement under this subdivision (b)(1) is not subject to approval from the governing body of the local government that the sheriff serves.

(B) For purposes of this subdivision (b)(1), "an available federal 287(g) program" must be one (1) of the following programs:

- (i) Jail enforcement model;
- (ii) Warrant service officer model;
- (iii) Task force model; or
- (iv) Tribal task force model.

(C) A violation of this subdivision (b)(1) may result in the state withholding all funds of the state allotted to the sheriff's office or to the local government for use by the sheriff's office via grant, contract, or statute, including, but not limited to, state-shared taxes, pursuant to § 4-1-429.

(D) A sheriff's office may temporarily suspend compliance with a memorandum of agreement executed pursuant to this subdivision (b)(1) if an emergency arises that requires the sheriff's office to redirect deputy sheriffs and resources to respond to the emergency due to a legitimate threat to the public safety and welfare. If a sheriff's office temporarily suspends compliance with the memorandum of agreement pursuant to this subdivision (b)(1)(D), then the sheriff must provide notice as soon as practicable to the chief immigration enforcement officer and the commissioner of safety.

(E) This subdivision (b)(1) only applies to a sheriff who is POST-certified.

(2) A law enforcement agency other than a sheriff's department may negotiate the terms of an agreement between the law enforcement agency and the appropriate federal official under 8 U.S.C. § 1357(g), concerning the enforcement of federal immigration law. An agreement under this subdivision (b)(2) is not subject to approval from the governing body of the local government that the agency serves. Any memorandum of agreement negotiated pursuant to 8 U.S.C. § 1357(g) must:

(A) Be entered into in accordance with federal law;

(B) Require that each officer employed by the law enforcement agency be trained in accordance with the memorandum of agreement between the law enforcement agency and the appropriate federal official concerning the law enforcement officer's role in enforcing federal immigration law, in accordance with 8 U.S.C. § 1357(g); and

(C) Allow for the enforcement of federal immigration law to the full extent permitted under federal law.

(3) Notwithstanding any provision of law to the contrary, any reporting required by this state regarding immigration that involves data from a law enforcement agency must be disaggregated by the reporting law enforcement agency such that the data can be specifically traced to each individual law enforcement agency required to report.

(4) This subsection (b) does not apply to a constable, as described in title 8, chapter 10.

SECTION 2. Tennessee Code Annotated, Section 41-7-106, is amended by adding the following new subsection (j):

(1) As used in this subsection (j), "detainee" means an individual who is detained pursuant to a memorandum of agreement executed under § 7-68-105(b) pursuant to 8 U.S.C. § 1357(g).

(2) The board shall adopt a policy by rule for the temporary detention and custody of detainees pending transfer pursuant to subdivision (j)(3).

(3) The policy must:

(A) Apply only to detainees who are to be transferred into the custody of the bureau of immigration and customs enforcement (ICE) of the United States department of homeland security no later than forty-eight (48) hours, excluding weekends and holidays, after the period during which the detainee remains in the lawful custody of a sheriff's department;

(B) Authorize the exclusion of detainees described in subdivision (j)(3)(A) from the inmate population computation at the facility where the detainee is held for purposes of compliance with applicable detention standards, including facility capacity limits and inmate ratios; and

(C) Be reviewed and reapproved by the board on an annual basis.

(4) The sheriff charged with custody of a detainee to whom the policy adopted pursuant to subdivision (j)(2) applies shall maintain available verifiable documentation substantiating the scheduled transfer date of the detainee to ICE custody. The documentation must be made available for review upon request during any inspection, audit, or compliance monitoring conducted by the board or other governmental entity with jurisdiction to oversee, inspect, or audit the facility.

(5) This subsection (j) terminates February 1, 2029.

SECTION 3. Section 1 terminates on February 1, 2029, and the law in effect prior to this act's effective date must be restored.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 3 to HB2219

Jones J  
Signature of Sponsor

**AMEND Senate Bill No. 2223\***

**House Bill No. 2219**

by deleting the language "must enter" in subdivision (b)(1)(A) in Section 1 and substituting instead "may enter".

**AND FURTHER AMEND** by deleting the language "(b)(1)(D)" in subdivision (b)(1)(D) in Section 1 and substituting instead "(b)(1)(C)".

**AND FURTHER AMEND** by deleting subdivision (b)(1)(C) in Section 1 and renumbering the remaining subdivisions appropriately.