

Subject: GA-Stephens-24-1219
Date: Friday, June 21, 2024 at 8:32:16 AM Eastern Daylight Time
From: dbrunning@stephenssheriff.com
To: AO Records
Attachments: ELEVENTH CIRCUIT HOLDS SECOND AMENDMENT DOES NOT APPLY TO ILLEGAL ALIENS.eml.eml, HB 1105 and SB 63.eml.eml, HB 1105; The Georgia Criminal Alien Track and Report Act of 2024.eml.eml, HB1105, Georgia Criminal Alien Track and Report Act of 2024; Action Required.eml.eml, Illegal Immigrants Are Voting.eml.eml, RE HB-1105.eml.eml, Response to HB 1105.eml.eml, Sanctuary State Alert - HB 1105 highjacked - Action Needed.eml.eml

EXTERNAL SENDER

This is everything I can find regarding the key terms listed in open records request (GA-STEPHENS-24-1219)

If you have any questions please contact me via this email.

Thank You

--

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Stephens County Sheriff's Office
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Toccoa GA, 30577

From: Law Enforcement Risk Management Group <amanda.king@lirmi.com>
Sent: Wednesday, September 06, 2023 7:56 AM EDT
To: rshirley@stephenssheriff.com <rshirley@stephenssheriff.com>
Subject: ELEVENTH CIRCUIT HOLDS SECOND AMENDMENT DOES NOT APPLY TO ILLEGAL ALIENS

September 6, 2023 - Vol. 1

ELEVENTH CIRCUIT HOLDS SECOND AMENDMENT DOES NOT APPLY TO ILLEGAL ALIENS

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On May 23, 2022, the Eleventh Circuit Court of Appeals decided *the United States v. Jimenez-Shilon*, in which the court considered whether the Second Amendment's right to bear arms applied to illegal aliens. The relevant facts of *Jimenez-Shilon* are as follows:

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From: Terry Norris <jtnorris@georgiasheriffs.org>

Sent: Thursday, May 02, 2024 7:58 AM EDT

Subject: HB 1105 and SB 63

Sheriffs,

This coming Tuesday (05-07-24) marks the final day Governor Kemp is authorized to sign or veto legislation adopted during the 2024 Session of the Georgia General Assembly. Since the conclusion of the session in late March, he has signed a number of bills and resolutions impacting public safety and the Office of Sheriff. Please look for a summary of these new laws late next week, however, a few have already become effective and may need your immediate attention.

Yesterday at GPSTC, the Governor signed nine bills related to law enforcement and public safety. This morning, we call your attention to two of those bills which should be reviewed by your office prior to next week's GSA report. Please keep in mind that in addition to our staff, you should consult with your district attorney and/or county attorney for a closer review and interpretation of all newly enacted legislation.

For today's purposes, please click on these links to [HB 1105](#) and [SB 63](#). House Bill 1105 became effective yesterday and places greater responsibility on sheriffs' offices to report the arrest of illegal aliens to Federal immigration officials. Senate Bill 63 expands the number of bail restricted offenses and lessens certain requirements for bonding companies. Both bills require close review and may not be easily understood/implemented and will require considerable attention by your office.

Please look for GSA's legislative summary late next week.



J. Terry Norris
Executive Director



GEORGIA SHERIFFS' ASSOCIATION

GEORGIA SHERIFFS' YOUTH HOMES

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georgiasheriffs.org | georgiasheriffsyouth.org

From: Terry Norris <jtnorris@georgiasheriffs.org>
Sent: Wednesday, February 21, 2024 5:20 PM EST
CC: Terry Norris <jtnorris@georgiasheriffs.org>
Subject: HB 1105; The Georgia Criminal Alien Track and Report Act of 2024
Attachment(s): "HB 1105.pdf"

House Bill 1105 will pass out of committee next week (see attached). The author of the bill and others have said in committee meetings that sheriffs are not complying with O.C.G.A.§42-4-14. We need to know immediately if your office is in compliance. Please answer the one question survey below by close of business on Thursday, February 22nd.

[Click here to answer the survey](#)



J. Terry Norris
Executive Director



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House Bill 1105

By: Representatives Petrea of the 166th, Collins of the 71st, Bonner of the 73rd, Dunahoo of the 31st, Barton of the 5th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions,
2 so as to require the commissioner of corrections to report certain information regarding the
3 immigration status, offenses, and home countries of persons who are confined under the
4 authority of the Department of Corrections; to provide for standard procedures for intake and
5 booking of aliens and foreign nationals; to provide for quarterly reports by jailers regarding
6 foreign born inmates; to provide for penalties; to provide for related matters; to provide for
7 a short title; to provide an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as "The Georgia Criminal Alien Track and Report
11 Act of 2024."

12 **SECTION 2.**

13 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
14 in Article 1 of Chapter 1, relating to inmate policies, by adding a new Code section to read
15 as follows:

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16 "42-1-11.4.
17 The commissioner shall, on the official website used by the department, publish a report
18 of aggregate data on the immigration status, offenses, and home countries of inmates who
19 are not United States citizens, who are confined under the authority of the department, and
20 regarding whom the United States Immigration and Customs Enforcement Division of the
21 Department of Homeland Security has issued immigration detainers. Each report shall
22 include the total number of inmates who are not citizens of the United States, provided that
23 inmates who are citizens of both the United States and one or more other countries shall
24 be designated in a separate category. Such report shall be first published on
25 October 1, 2024, and every 90 days thereafter; provided, however, that if the ninetieth day
26 falls on a state holiday or Saturday or Sunday, then such report shall be published the next
27 business day."

28 **SECTION 3.**

29 Said title is further amended in Article 1 of Chapter 4, relating to jails, by revising Code
30 Section 42-4-14, relating to "illegal alien" defined and determination of nationality and
31 verification of lawful admission of person confined in a jail facility, as follows:

32 "42-4-14.

33 (a) As used in this Code section, the term 'illegal alien' means a person who is verified by
34 the federal government to be present in the United States in violation of the federal
35 ~~immigration law~~ Immigration and Nationality Act.

36 (b) When any person is confined, for any period, in the jail of a county or municipality or
37 a jail operated by a regional jail authority in compliance with Article 36 of the Vienna
38 Convention on Consular Relations, a reasonable effort shall be made to determine the
39 nationality of the person so confined.

40 (c) When any foreign national is confined, for any period, in a county or municipal jail,
41 a reasonable effort shall be made to verify that such foreign national has been lawfully

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42 admitted to the United States and, if lawfully admitted, that such lawful status has not
43 expired. If verification of lawful status cannot be made from documents in the possession
44 of the foreign national, verification shall be made within 48 hours through a query to the
45 Law Enforcement Support Center (LESC) of the United States Department of Homeland
46 Security or other office or agency designated by the federal government. If ~~the foreign~~
47 ~~national is determined to be an illegal alien~~ lawful admission and current lawful status of
48 the foreign national is not confirmed, the ~~keeper of the jail~~ jailer or other officer shall notify
49 the United States Department of Homeland Security, or other office or agency designated
50 for notification by the federal government.

51 (d)(1)(A) Suspected foreign nationals admitted to the jail shall be positively identified
52 and processed into the facility unless the individual's status as consular officer or
53 diplomat is verified.

54 (B) When a suspected foreign national is admitted into the jail, the booking officer
55 shall obtain at least one of the following documents from the individual:

56 (i) A Form I-94 Arrival/Departure Record issued by the United States Department
57 of Homeland Security;

58 (ii) A valid, unexpired passport indicating that a visa was issued;

59 (iii) A permanent resident alien card Form 551;

60 (iv) A valid Nexus card;

61 (v) A valid global entry identification card issued by the United States Department
62 of Homeland Security; or

63 (vi) A valid passport indicating the bearer is a citizen of a country participating in a
64 visa waiver program administered by the United States Department of State.

65 (C) If a suspected foreign national does not produce a copy of one of the documents
66 set forth in subparagraph (B) of this paragraph, or if verification of any such document
67 is required, the jail's shift supervisor shall contact the LESC of the United States
68 Department of Homeland Security or the United States Immigration and Customs

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69 Enforcement Division of the Department of Homeland Security in Atlanta, Georgia for
70 a determination of the nationality and immigration status of the suspected foreign
71 national.

72 (D) Foreign nationals shall be admitted, classified, and housed in the same manner as
73 all other inmates of the jail.

74 (E) If a newly admitted inmate claims to be a consular officer or to have diplomatic
75 status, the jail officer shall obtain the inmate's personal identification.

76 (F) If an inmate described in subparagraph (E) of this paragraph is unable to produce
77 the proper credentials or verification of diplomatic status as required, the jail officer
78 shall contact the United States Department of State during its normal working hours or
79 the Command Center of the Office of Security of the United States Department of State
80 outside of such working hours to request verification of the inmate's status as a
81 consular officer or of other diplomatic status.

82 (G) Once an inmate's status is verified as a consular officer or diplomat, he or she shall
83 be immediately released.

84 (2)(A) Foreign nationals shall be admitted to the jail pursuant to standard admissions
85 procedures.

86 (B) In the event of a failure of communication between jail staff and an inmate as a
87 result of language, the jailer shall contact an interpreter to assist with the booking and
88 identification process.

89 (C) The booking jail officer shall determine the nationality of each arrestee received
90 by the jail. If jail staff suspects the inmate is a foreign national, jail staff shall ask the
91 inmate to provide documentation that he or she lawfully entered the United States and
92 that such lawful status is still valid.

93 (D) If the inmate is unable to provide documentation indicating their lawful status, jail
94 staff shall contact the LESC of the United States Department of Homeland Security to
95 determine the inmate's lawful status in the United States.

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96 (E) If the LESC of the United States Department of Homeland Security responds to
97 contact pursuant to subparagraph (B) of this paragraph with a message to contact them
98 for instructions on procuring an immigration detainer for the inmate and the inmate is
99 still in custody, the inmate shall not be released until after such contact is made. If the
100 inmate has already been released prior to such notification from the LESC of the United
101 States Department of Homeland Security, the jail officer shall advise the LESC of the
102 United States Department of Homeland Security of such fact.

103 (F) Responses of illegal status shall be automatically forwarded to the local United
104 States Immigration and Customs Enforcement Division of the Department of Homeland
105 Security by the LESC of the United States Department of Homeland Security. Inmates
106 who the jail officer suspects to be illegal aliens shall not be detained solely because of
107 the unavailability of after hours contact information.

108 (G) An inmate identified as an illegal alien shall not be detained on the basis of being
109 an illegal alien unless the LESC of the United States Department of Homeland Security
110 or the local United States Immigration and Customs Enforcement Division of the
111 Department of Homeland Security specifically provides written instructions for
112 detaining such inmate as an illegal alien. The existence of an arrest warrant shall be
113 verified with the United States Immigration and Customs Enforcement Division of the
114 Department of Homeland Security within 24 hours of the placement of the immigration
115 detainer.

116 (H) Inmates shall be held no longer than 48 hours pursuant to an immigration detainer
117 or an immigration warrant, unless such warrant is signed by a federal judge or federal
118 magistrate. An immigration warrant signed by any immigration official other than a
119 federal judge or federal magistrate shall be treated as an immigration detainer. If an
120 immigration warrant signed by a federal judge or federal magistrate is not received by
121 the jail officer within 48 hours, or if United States Immigration and Customs
122 Enforcement Division of the Department of Homeland Security officials do not take

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123 custody of the inmate within 48 hours, the inmate shall be eligible for release from the
124 jail's custody.

125 (I) Suspected illegal aliens with immigration detainers issued for more than 48 hours
126 shall not be released from custody without prior supervisor approval.

127 (J) This subsection does not relieve the jail officer of the requirement to notify the
128 appropriate consulate of foreign nationals.

129 (K) It shall be the duty of the jail officer to maintain in each inmate's file a record of
130 all communications with the United States Immigration and Customs Enforcement
131 Division of the Department of Homeland Security.

132 (e) Nothing in this Code section shall be construed to deny a person bond or from being
133 released from confinement when such person is otherwise eligible for release; provided,
134 however, that upon verification that any person confined in a jail is an illegal alien, such
135 person may be detained, arrested, and transported as authorized by state and federal law.

136 ~~(e) The Georgia Sheriffs Association shall prepare and issue guidelines and procedures~~
137 ~~used to comply with the provisions of this Code section~~

138 (f)(1) It shall be unlawful for any jailer to violate any provision of this Code section.

139 (2) Any person found guilty of violating this Code section shall be punished for a
140 misdemeanor of a high and aggravated nature."

141 **SECTION 4.**

142 Said article is further amended by adding a new Code section to read as follows:

143 "42-4-14.1.

144 (a) Jailers shall at least quarterly prepare a report to be posted on the website of the
145 jurisdiction of each such jailer and on the website of the Department of Audits and
146 Accounts regarding his or her jail, and such report shall include regarding the most recent
147 quarter:

148 (1) The total number of inmates booked into the jail;

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- 149 (2) The total number of foreign born inmates included in the total provided for in
150 paragraph (1) of this subsection;
- 151 (3) The total number of inquiries made to the Law Enforcement Support Center (LESC)
152 of the United States Department of Homeland Security or any other federal agency
153 inquiring about the immigration status or prior arrests of foreign born inmates;
- 154 (4) The total number of responses from the LESOC of the United States Department of
155 Homeland Security or any other federal agency inquiring about the immigration status
156 or prior arrests of foreign born inmates;
- 157 (5) The total number of responses as provided for in paragraph (4) of this subsection that
158 indicate a foreign born inmate to be unlawfully within the United States;
- 159 (6) Any information about the inmate's lawful entry into the United States, including the
160 date of entry and visa type if the length of the inmate's stay in the United States is not
161 authorized by his or her visa;
- 162 (7) The number of immigration detainers issued by the United States Immigration and
163 Customs Enforcement Division of the Department of Homeland Security for prisoners
164 in the jail; and
- 165 (8) A statement by the jailer verifying that all requirements of subsection (e) of Code
166 Section 42-4-14 have been complied with and that the jail is in compliance with all
167 applicable law.
- 168 (b) Jailers shall be subject to prosecution pursuant to Code Section 16-10-20 for violations
169 of such Code section."

170 **SECTION 5.**

171 This Act shall become effective upon approval by the Governor or upon becoming law
172 without such approval.

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SECTION 6.

174 All laws and parts of laws in conflict with this Act are repealed.

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