



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 1**

### **FIRST EXTRAORDINARY SESSION**

#### **SENATE BILL NO. 2**

**By Johnson, Watson, Yager, White, Bowling, Pody, Reeves, Rose, Stevens, Taylor**

Substituted for: House Bill No. 1

By Lamberth, Cochran, Zachary, Todd, Terry, McCalmon, Davis, Warner, Fritts, Littleton, Stevens, Moon, Russell, Howell, Cepicky, Leatherwood, Raper, Greg Martin, Bulso, Reeves, Grills, Reedy, Moody, Powers

AN ACT to amend Tennessee Code Annotated, Title 2; Title 4; Title 5; Title 6; Title 7; Title 8 and Title 55, relative to non-United States citizens.

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

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 20, is amended by adding the following as a new section:

(a) There is created within the department of safety the centralized immigration enforcement division.

(b) The chief executive of the division is the chief immigration enforcement officer, to be appointed by the governor, whose duties include:

- (1) Overseeing state and local collaboration with federal immigration agencies;
- (2) Facilitating efficient communication between state, local, and federal agencies with respect to immigration policy and enforcement;
- (3) Allocating resources, including the approval and distribution of grants from the immigration enforcement grant fund created pursuant to SECTION 5;
- (4) Developing strategic immigration enforcement plans;
- (5) Coordinating participation in federal immigration programs, including the 287(g) program pursuant to the Immigration and Nationality Act (8 U.S.C. § 1357(g));
- (6) Ensuring state and local compliance with federal and state immigration laws;
- (7) Reporting annually to the governor and general assembly on immigration-related progress and challenges. Such report is due not later than January 31, 2026, and each January 31 thereafter; and
- (8) Coordinating the direction of state funding to help state and local law enforcement implement federal immigration law.

(c) The commissioner of safety may hire staff within the resources allocated to the department of safety and may establish their duties and responsibilities.

(d) The department may maintain any information or records collected or received by the division or chief immigration enforcement officer confidentially, including, but not limited to, sensitive or confidential information collected or received from a federal, local, or state department or agency.

SECTION 2. Tennessee Code Annotated, Section 4-3-2015(a), is amended by deleting the subsection and substituting:

(a) The commissioner of safety, in consultation with the chief immigration enforcement officer, shall attempt to enter into the terms of an agreement between the state of Tennessee and the United States attorney general concerning the enforcement of federal immigration laws, detention and removals, and investigations in this state under the 287(g) program pursuant to the Immigration and Nationality Act (8 U.S.C. § 1357(g)).

SECTION 3. Tennessee Code Annotated, Section 4-42-103, is amended by designating the existing language as subsection (a) and adding the following new subsection (b):

(b) It is unlawful for an official to violate subsection (a). A violation of subsection (a) is a Class E felony.

SECTION 4. Tennessee Code Annotated, Section 4-42-104, is amended by adding the following new subsection (f):

(f) Upon the failure of an official to comply with an order in accordance with subsection (d), and the official's subsequent conviction pursuant to § 4-42-103(b), the attorney general and reporter shall initiate an action to remove the official from office pursuant to title 8, chapter 47, as soon as practicable.

SECTION 5. Tennessee Code Annotated, Title 7, Chapter 68, is amended by adding the following new section:

(a) Subject to specific appropriation of funds by the general assembly, effective no later than July 1, 2025, there is created an immigration enforcement grant program to incentivize local governments and law enforcement agencies to enter into agreements between the respective local government or law enforcement agency and the United States attorney general under the 287(g) program pursuant to the Immigration and Nationality Act (8 U.S.C. § 1357(g)) concerning the enforcement of federal immigration laws, detentions and removals, and investigations in this state. Funds received for the grant program must be deposited into a special account in the state treasury to be known as the immigration enforcement fund, hereinafter known as the "fund."

(b) The grant program and grants approved under the program are to be administered by the chief immigration enforcement officer (CIEO) appointed pursuant to SECTION 1 and distributed from the fund.

(c) To qualify for and receive a grant from the fund, a local government or law enforcement agency must have a valid, executed agreement between the local government or law enforcement agency and the United States attorney general under the 287(g) program pursuant to the Immigration and Nationality Act (8 U.S.C. § 1357(g)) and must:

(1) Submit an application to the centralized immigration enforcement division created pursuant to SECTION 1, including a copy of such agreement; and

(2) Execute a contract with the division on terms specified by the division, including the right of the division to claw back any remaining grant funding in accordance with subsection (h).

(d) The CIEO:

(1) Shall develop the grant application and determine any additional information to be included with the application's submission, including the proposed use of the grant funds consistent with this section;

(2) Shall not issue more than one (1) grant under the grant program to a local government or law enforcement agency; and

(3) Shall establish grant eligibility criteria that prioritize local governments and law enforcement agencies that demonstrate a strong commitment to enforcing federal immigration laws.

(e) Grants under the grant program may be issued for the following purposes:

(1) To fund training, operational expenses, and other resource needs for local governments and law enforcement agencies participating in immigration enforcement efforts;

(2) To fund investments into or purchases of law enforcement equipment to be used in the enforcement of immigration laws; and

(3) To fund other immigration enforcement activities and programs as deemed appropriate by policies prescribed by the CIEO.

(f) A local government or law enforcement agency that receives a grant under the grant program shall submit quarterly reports to the centralized immigration enforcement division no later than thirty (30) days after the end of the quarter in which the local government or law enforcement agency receives the grant, and for each quarter thereafter until all grant funding has been expended by the local government or law enforcement agency. Each report must specify:

(1) The manner in which grant funds were expended, including an itemization of expenditures;

(2) The remaining balance of grant funds, if any, and the proposed use of such funds;

(3) The documented or projected impact of the grant funds in enforcing federal and state immigration laws;

(4) Statistics relative to an increase or decrease in crime from illegal aliens within the jurisdiction of the local government, if any; and

(5) Whether the amount of the grant was sufficient to meet the stated goals of the local government or law enforcement agency upon applying for the grant.

(g) The CIEO may require a local government or law enforcement agency that has been issued a grant under the grant program to provide an accounting of the grant funds at any time after issuance of the grant.

(h) Subsequent to a quarterly report filed under subsection (f) or an accounting required under subsection (g), upon a finding by the division or the CIEO that grant funds have been misused or misappropriated by a local government or law enforcement agency, that the local government or law enforcement agency has failed to demonstrate meaningful steps toward supporting federal immigration laws or the immigration policies of this state, or that the local government or law enforcement agency has otherwise failed to fulfill any commitment made as a condition of receiving the grant, including the expiration, cancellation, or invalidation of the agreement between the local government or law enforcement agency required for grant funding under SECTION 5(c), the CIEO shall require the local government or law enforcement agency to remit all remaining grant funds back to the department of safety for deposit into the grant program fund.

(i)(1) In addition to appropriations made to the fund, the department of safety may accept other funds by way of grant to the fund. Any such grant must be deposited into the fund to be distributed in accordance with this section.

(2) Moneys in the fund may be invested by the state treasurer in accordance with § 9-4-602.

(3) Interest accruing on investments and deposits of the fund must be credited to the fund, shall not revert to the general fund, and must be carried forward into the subsequent fiscal year.

(4) Any balance remaining unexpended at the end of a fiscal year in the fund does not revert to the general fund but must be carried forward into the subsequent fiscal year.

(j) The department of safety may maintain any information or records collected pursuant to the grant program confidentially, including, but not limited to, sensitive or confidential law enforcement information.

SECTION 6. Tennessee Code Annotated, Section 7-68-105(b), is amended by deleting the first sentence and substituting:

A law enforcement agency 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 laws, without approval from the governing body of the local government that the agency serves.

SECTION 7. Tennessee Code Annotated, Section 7-68-103, is amended by designating the existing language as subsection (a) and adding the following new subsection (b):

(b) It is unlawful for an official to violate subsection (a). A violation of subsection (a) is a Class E felony. For purposes of this subsection (b), each official who, in their capacity as a member of the governing body of a local government, votes in the affirmative to adopt a sanctuary policy is in violation of this section.

SECTION 8. Tennessee Code Annotated, Section 7-68-104, is amended by adding the following new subsection (e):

(e) Upon the failure of an official to comply with an order in accordance with subsection (d), and the official's subsequent conviction pursuant to § 7-68-103(b), the attorney general and reporter shall initiate an action to remove the official from office pursuant to title 8, chapter 47, as soon as practicable.

SECTION 9. Tennessee Code Annotated, Section 7-68-105(c)(1), is amended by deleting the language "governor," and substituting "governor, chief immigration enforcement officer appointed pursuant to SECTION 1,".

SECTION 10. Tennessee Code Annotated, Section 2-7-112(c), is amended by deleting subdivisions (1) and (3) and substituting instead the following:

(1) A Tennessee driver license that is not a temporary driver license;

(3) A Tennessee photo identification license issued pursuant to § 55-50-336 that is not a temporary photo identification license;

SECTION 11. Tennessee Code Annotated, Section 55-50-303(a)(9), is amended by deleting the following language:

To any person who is not a United States citizen or lawful permanent resident of the United States.

and substituting instead the following:

To any person who is not a United States citizen.

SECTION 12. Tennessee Code Annotated, Section 55-50-321(c)(1)(C), is amended by deleting the subdivision and substituting instead the following:

(C) Any applicant applying for a driver license, instruction permit, intermediate driver license, or photo identification license, upon initial issuance or reinstatement, shall provide either an original or certified copy of documentation that the applicant is a citizen of the United States.

SECTION 13. Tennessee Code Annotated, Section 55-50-321(i)(1), is amended by deleting the subdivision and substituting instead the following:

(1) Any person presenting a driver license from a state that issues driver licenses to illegal aliens for the purposes of obtaining a Tennessee driver license is required to establish proof of United States citizenship, or, in the case of a temporary driver license, either lawful permanent resident status or a specified period of authorized stay in the United States.

SECTION 14. Tennessee Code Annotated, Section 55-50-331(g), is amended by deleting the subsection and substituting instead the following:

(1) Notwithstanding another law to the contrary, the department may issue a temporary driver license, temporary intermediate driver license, temporary photo identification license, or temporary learner permit to lawful permanent residents of the United States or to persons whose presence in the United States has been authorized by the federal government for a specific purpose and for a specified period of authorized stay. A temporary license or permit shall not be used and must not be accepted as valid identification where eligibility for a right or benefit is exclusive to United States citizens, including, but not limited to, voting.

(2) The temporary driver license or photo identification license is valid only during the period of time of the applicant's authorized stay in the United States or the valid period of the applicant's lawful permanent resident card; provided, however, that a temporary driver

license or photo identification license must not be issued for a period longer than eight (8) years.

(3) A temporary driver license, temporary photo identification license, or temporary permit must include a visually distinctive marker for the class designation on the face of the license to distinguish the temporary license from the license issued to United States citizens under § 55-50-303(a)(9) that is used as a photo identification for voting purposes.

(4) A lawful permanent resident who renews or reinstates a driver license, permit, or photo identification license on or after January 1, 2026, must provide proof of United States citizenship to maintain the driver license, permit, or photo identification license. If such proof of citizenship is not provided, then the person must be issued a temporary driver license, temporary permit, or temporary photo identification license pursuant to this section.

(5) A person who becomes a United States citizen may provide proof of such citizenship to the department at any time to receive a license under § 55-50-303(a)(9).

SECTION 15. Tennessee Code Annotated, Section 55-50-102(56), is amended by adding the language "except for an individual who is a lawful permanent resident," immediately before the language "if there is no definite end".

SECTION 16. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 17. For purposes of promulgating rules and forms, redesigning licenses and permits, if applicable, and carrying out administrative actions necessary to effectuate this act, including, but not limited to, actions to facilitate the creation of a centralized immigration enforcement division within the department of safety, the hiring of a chief immigration enforcement officer, and the implementation of an immigration enforcement grant program, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes:

(1) Sections 6 and 16 take effect upon becoming a law, the public welfare requiring it;

(2) Sections 1, 2, 5, and 9 take effect upon becoming a law, and expire on January 20, 2029, at 11:59 a.m., unless reauthorized by the general assembly prior to such time and date, the public welfare requiring it;

(3) Sections 3, 4, 7, and 8 of this act take effect July 1, 2025, the public welfare requiring it; and

(4) Sections 10-15 of this act take effect January 1, 2026, the public welfare requiring it.

FIRST EXTRAORDINARY SESSION

SENATE BILL NO. 2

PASSED: January 30, 2025

  
\_\_\_\_\_  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 12<sup>th</sup> day of February 2025

  
\_\_\_\_\_  
BILL LEE, GOVERNOR