



Gwinnett
Police Department

HB 1105 – Georgia Criminal Alien Track and Report Act of 2024

Amends O.C.G.A. §17-5-100

HB 1105, Summary

- **WHAT** is HB 1105?
- HB 1105, titled the "Georgia Criminal Alien Track and Report Act of 2024," amends O.C.G.A. §17-5-100 to enhance enforcement of federal immigration laws.
 - The bill **MANDATES** immigration status verification upon an arrest for certain offenses and provides a list of acceptable documents for verification.
 - Local law enforcement agencies are required to seek agreements to assist federal agencies with immigration laws.
 - Sanctions are put in place for local governments implementing sanctuary policies.
 - The bill also mandates the reporting of inmate immigration status in county jails and requires the honoring of immigration detainer notices.

Application of HB 1105

- **WHEN** an officer **MUST** verify immigration status?
 1. During the course of any investigation (including traffic offenses) of a criminal suspect by a peace officer, when such officer has probable cause to believe the suspect has committed a criminal violation, the officer **SHALL seek to verify** the suspect's immigration status.
- This does not apply to victims, witnesses, bystanders, or anyone else who is not a suspect.

Application of HB 1105

- **HOW** can an officer **VERIFY** immigration status?
 1. A document issued by a state or federal government of the United States.
 - a. An original or **certified birth certificate**,
 - b. A certification of report of birth issued by the US Dept. of State,
 - c. A certification of birth abroad issued by the US Dept. of State, or
 - d. A consular report of birth issued by the US Dept. of State.
 2. A valid **Georgia's driver's license**,
 3. A valid **Georgia identification card** issued by the Department of Driver Services,
 4. A valid driver's license from the suspect's home foreign country (but the officer is to also review said suspect's visa or passport to verify the validity of license),
 5. A Form **1-94 Arrival/Departure Record** issued by US Dept. of Homeland Security,

Application of HB 1105

- **HOW** can an officer **VERIFY** immigration status?
 6. A permanent resident alien card Form 551,
 7. A valid Nexus card,
 8. A valid global entry identification card issued by the US Dept. of Homeland Security,
 9. A valid passport which indicates that the suspect is a US citizen participating in a visa waiver program,
 10. A valid REAL ID (Starred) driver's license issued by any state of the US, or
 11. Any other information as to the suspect's identity that is sufficient for the officer to independently ID the suspect.

Foreign passports

A foreign passport is not acceptable unless accompanied by a valid US Homeland Security Form I-94, I-94A, I-94W, or other federal document attesting to an alien's lawful immigration status.

Questions to Ask Yourself

- **WHAT SHOULD I DO IF I VERIFY THAT THE SUSPECT IS AN ILLEGAL ALIEN OR I AM UNABLE TO VERIFY STATUS, AND I PLAN ON ARRESTING HIM/HER FOR THE CRIME THEY COMMITTED?**
1. If you have determined that the suspect has committed a crime that requires them to be booked in, then transport the suspect to the Gwinnett County Jail and follow through with the appropriate charges.

Questions to Ask Yourself

- **WHAT SHOULD I DO IF I VERIFY THAT THE SUSPECT IS AN ILLEGAL ALIEN, BUT I WAS ONLY GOING TO GIVE THEM A CITATION?**
- The officer **MAY** take any action authorized by state and federal law, including, but not limited to:
 1. Notify the US Department of Homeland Security, OR
 2. Detain the suspected illegal alien, OR
 3. Securely transport the suspect to any authorized federal or state detention facility.

* You **shall** transport the suspect to the Gwinnett County Detention Center if you receive confirmation that there is an outstanding warrant regarding an immigration violation.

A Note on the Issuance of Certain Citations

- A law enforcement officer **may** arrest a person 18 years of age or older accused of any misdemeanor violation of the below code sections, **by the issuance of citation**, only after the arresting officer reviews the accused's criminal record on file with NCIC/GCIC, ensure the accused fingerprints are obtained and shall seek to verify the immigration status of the suspect:
 - **O.C.G.A. § 16-7-21** (Criminal Trespass)
 - **O.C.G.A. § 16-8-14** (Theft by Shoplifting)
 - **O.C.G.A. § 16-8-14.1** (Theft by Refund Fraud)
 - **O.C.G.A. § 16-13-30** (Possession, Manufacturing, etc., of certain Controlled Substances and Marijuana)

Questions to Ask Yourself

- DOES THIS MEAN I CAN WALK UP TO ANY RANDOM PERSON AND DEMAND VERIFICATION OF THEIR IMMIGRATION STATUS?
- **NO.** Only those persons who have been identified as a suspect in a criminal investigation and you determine you are going to make an arrest or issue a citation should have their immigration status verified.

HB 1105, In Summary

- If you are **investigating a crime**,
- And you believe that a **suspect has committed a crime**,
- **And** you are going to **either arrest them or write them a citation**,
- Then, you will **need to seek to verify the suspect's immigration status**.

Scenario 1

- You detain someone for **misdemeanor shoplifting**. The suspect is unable to provide a GA license but provides an international license as identification.
 - You determine that the individual is in fact the person on the international license, so you know his/her identity.
- You determine you are going to issue citations for the shoplifting and plan to release on citation.
 - You then attempt to verify his/her immigration status, and nothing returns. You try the Rapid ID fingerprint reader, and no violations return.
- **Can you still release the suspect on a citation?**

Answer

- YES.
- It is up to the officer's discretion to determine whether to release on citation for an appropriate offense.
- As long as there is no indication of an outstanding immigration violation warrant, you may proceed as you would with any other individual.
- * **note:** in this case, officers also must review the accused's criminal record on file with NCIC/GCIC, and ensure the accused fingerprints are on file or are obtained.

Scenario 2

- You arrive on the scene of a domestic. You determine the wife is going to be charged with Family Violence Battery.
 - You must seek to verify her immigration status. She cannot provide a DL or any form of ID.
 - You attempt to run her on the Rapid ID fingerprint machine. You still get nothing.
 - You determine her name and DOB based on what she and others on the scene tell you. You run her and nothing comes back to assist you further.
- **What do you do?**

Answer

- You mark her arrest report as “**unable to verify**” and you proceed with her arrest and transport her to GCDC.

Scenario 3

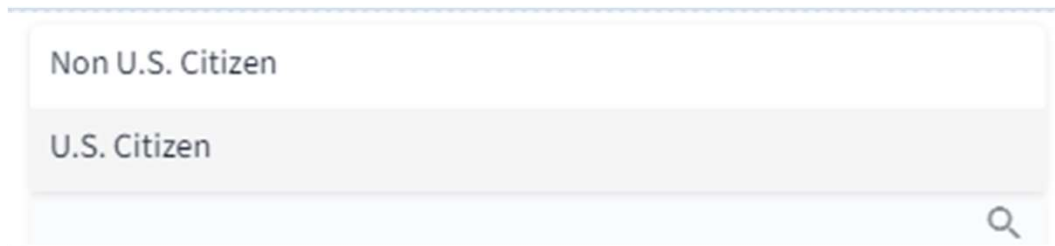
- You arrive on the scene of a neighbor dispute. You investigate and determine that probable cause exists to charge a suspect with criminal trespass, however, everyone has calmed down and the neighbor who originally called the police does not want to prosecute.
 - You decide you are not making any arrests or issuing any citations.
- **Are you required to seek to verify immigration status?**

Answer

- NO.
- You are not making an arrest or issuing a citation. Complete an incident report as you would normally.

RMS Arrest Report, Update

- The GCPD Arrest Report has been updated to address HB1105.
 - Two additional fields have been added to the Arrest Report that will be required to complete.
 - **The first field is the “Immigration Status” check. It has two drop-down choices:**



A screenshot of a web-based form showing a drop-down menu for "Immigration Status". The menu is open, displaying two options: "Non U.S. Citizen" and "U.S. Citizen". The "U.S. Citizen" option is currently selected and highlighted. A magnifying glass icon is visible in the bottom right corner of the menu box.

RMS Arrest Report, Update

- The GCPD Arrest Report has been updated to address HB1105.
 - Two additional fields have been added to the Arrest Report that will be required to complete.
 - **The second field is the “Immigration Verified By” Field. It has 15 drop-down choices.**

RMS Arrest Report, Update

01-Valid Georgia driver's license

02-Valid REAL ID (Starred) driver's license issued by any state in the United States

03-Original or certified birth certificate issued by a State or Federal government of the United States

04-Certification of birth abroad issued by the U.S. Department of State

05-Certification of report of birth issued by the U.S. Department of State

06-Any other information as to the individual's identity that is sufficient for the officer to independently ID him/her

07-Valid driver's license from individual's home foreign county with a valid visa or passport to validate license

08-Form 551 permanent resident alien card

09-Valid passport which indicates that the individual is a U.S. citizen participating in a visa waiver program

10-Valid Nexus card

11-Consular report of birth issued by the U.S. Department of State

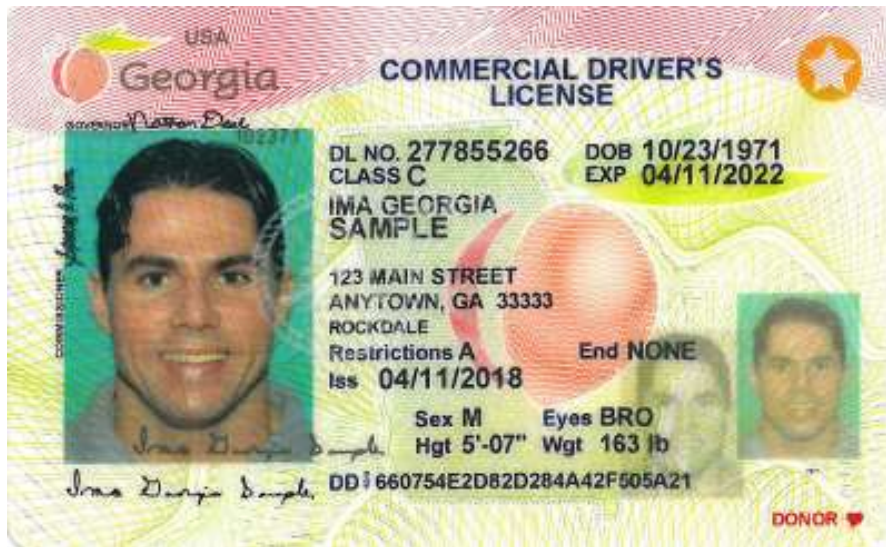
12-Form 1-94 Arrival/Departure record issued by U.S. Department of Homeland Security

13-Valid global entry identification card issued by the U.S. Department of Homeland Security

14-Use electronic fingerprint reader


15-Unable to verify citizenship status

Gallery of Acceptable Documents



Valid U.S. State DL or ID Cards

Gallery of Acceptable Documents



U.S. Customs and Border Protection
Securing America's Borders

Most Recent I-94

Admission (I-94) Record Number : 927682822A2
Most Recent Date of Entry : 2022 July 16
Class of Admission : B2
Admit Until Date : 01/15/2023
Details provided on the I-94 Information form:

Last/Surname :	KAPADIA
First (Given) Name :	DASYA IYER
Birth Date :	1982 September 19
Document Number :	Z4956111
Country of Citizenship :	India

[Get Travel History](#)

U.S. I-94 Form is a U.S. Customs and Border Protection Arrival and Departure document. The I-94 can be online or paper-based.

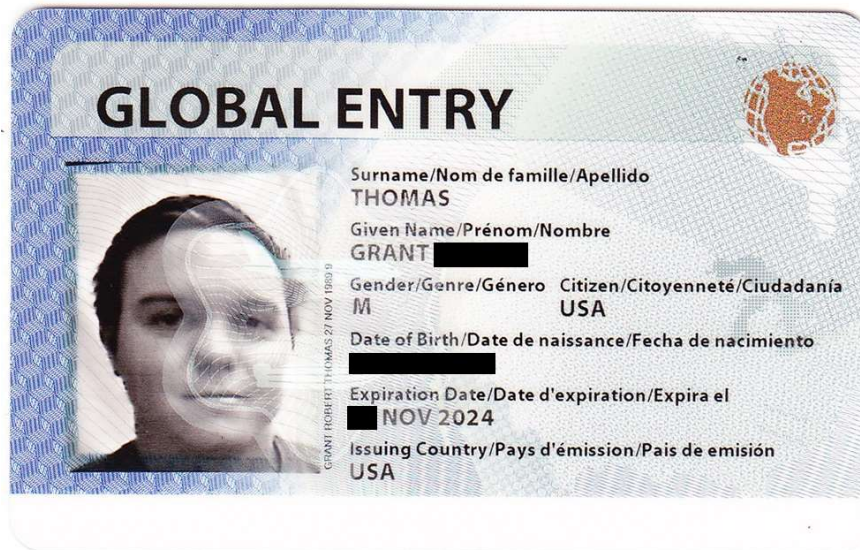


Gallery of Acceptable Documents



The NEXUS program allows pre-screened travelers from the U.S., Canada, and Mexico expedited processing when entering the U.S. and Canada.

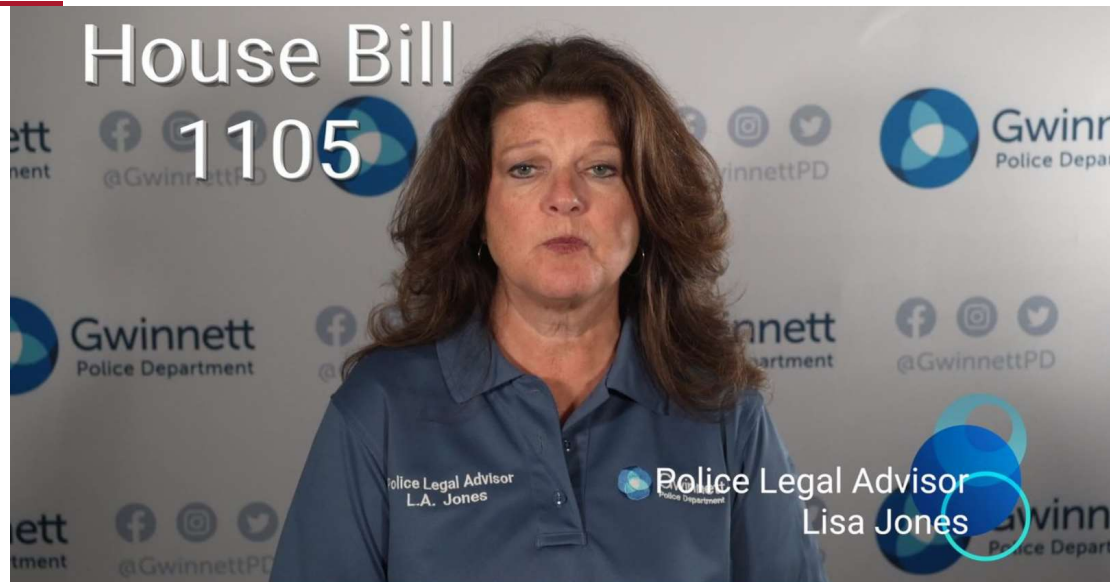
Gallery of Acceptable Documents



Global Entry cards are issued to Global Entry members who are U.S. citizens, U.S. lawful permanent residents, and Mexican nationals for expedited entry into the U.S.

House Bill 1105 Video link

- <https://www.dropbox.com/scl/fi/6f6dk1eb0q2jccn96zcay/HB-1105.mp4?rlkey=o2vts8zmtvnlaoi2bhwho5q2l&e=1&st=z8im5i87&dl=0>





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