

March 12th, 2025

RE: Concerns on HF16 and HF772

Dear House Public Safety Finance and Policy Committee Members,

On behalf of the Association of Minnesota Counties (AMC) and the Minnesota Sheriffs' Association (MSA), we write to express our concerns regarding HF16 and HF772. While we acknowledge the importance of addressing immigration-related policies, these bills place undue burdens on counties and increase legal liabilities for local governments.

HF16 raises several legal concerns, particularly as it relates to due process and equal protection. In addition, the broad reporting requirements increase the risk of civil rights violations and may expose counties to lawsuits with costs having to be covered by property taxes and levies. These legal concerns are more detailed in an accompanying Minnesota County Attorneys Association letter. Lastly, mandatory reporting of arrests, regardless of prosecution decisions, may discourage immigrant communities from reporting crimes or cooperating with law enforcement, ultimately undermining public safety.

HF772 imposes additional obligations on county jails and publicly funded institutions to inquire into and report the immigration status of individuals in their custody. This requirement extends not only to felony offenders but also to individuals with mental health commitments, creating significant administrative burdens and increasing costs.

As drafted, the bills fail to recognize the operational realities of how local jails and county attorneys interact. Many individuals are arrested without ever coming into contact with county attorneys, yet HF16 mandates their involvement in enforcement actions. Additionally, the unclear workflow and timing requirements between sheriffs, county attorneys, and the Department of Corrections will create confusion about compliance expectations.

It is important to note that both HF16 and HF772 increase liability risks for counties, posing legal exposure related to extended detention, due process violations, and discrimination claims. Implementing universal screening procedures to mitigate these risks would also place significant staffing and resource burdens on counties without funding provided in the bill.

Further, our organizations have historically expressed opposition to proposed legislative efforts that result in the limiting of local government decision-making.

We welcome the opportunity to work with legislators on immigration-related policies that protect public safety while respecting county government responsibilities and constitutional protections.

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