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LOCAL GOVERNMENT General Provisions: Amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, Related to General Provisions Applicable to Counties, Municipal Corporations, and Other Governmental Entities, so as to Prohibit Immigration Sanctuary Policies by Local Governmental Entities; Provide for Penalties; Provide for Related Matters; Provide an Effective Date; Repeal Conflicting Laws; and for Other Purposes.

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LOCAL GOVERNMENT

General Provisions: Amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, Related to General Provisions Applicable to Counties, Municipal Corporations, and Other Governmental Entities, so as to Prohibit Immigration Sanctuary Policies by Local Governmental Entities; Provide for Penalties; Provide for Related Matters; Provide an Effective Date; Repeal Conflicting Laws; and for Other Purposes

CODE SECTION:	O.C.G.A. § 36-80-23 (new)
BILL NUMBER:	SB 20
ACT NUMBER:	152
GEORGIA LAWS:	2009 Ga. Laws 734
SUMMARY:	The Act prohibits local governments from becoming sanctuary cities. The Act specifically forbids local Georgia governments from adopting any legislation or policy that would prohibit their local officials or employees from cooperating with federal law enforcement in reporting any information that is not legally confidential but otherwise might be relevant to the legal or illegal status of immigrants. Any local government violator is subject to withdrawal of funding controlled or distributed by the state, and any state-controlled governing body distributing funds may require proof of compliance.
EFFECTIVE DATE:	July 1, 2009

History

The Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) of 1996 was signed by President Bill Clinton on September 30, 1996.¹ Section 642 of that act is a provision that requires state and local governments to share information with the Immigration and Naturalization Service (INS) and prohibits restrictions on sharing that information.² Approximately sixty cities in thirty states, however, have enacted formal or informal sanctuary policies.³ These policies vary in coverage in the cities where they are adopted but are generally defined as “don’t ask-don’t tell” policies where cities “don’t require their employees, including law enforcement officers, to report to federal officials aliens who may be illegally present in the country.”⁴ Several rationales are given for enacting sanctuary policies. Some local officials claim these policies encourage safety, because with these policies in place, illegal immigrants will no longer be afraid to report crime out of fear of deportation.⁵ Former New York City Mayor Rudy Guiliani insists that the public at large is safer when illegal immigrants feel free to report crime, because “if we didn’t allow illegals to report crimes, a lot of criminals would have gone free because they’re the ones who had the information.”⁶ Other cities argue that requiring reporting of illegal immigrants to federal officials infringes on states’ Tenth Amendment right to sovereignty.⁷

In the 2008–2009 Georgia Legislative Session, Senator Chip Pearson (R-51st) introduced Senate Bill (SB) 340, which would prohibit local governments in Georgia from adopting sanctuary city policies.⁸ No formal sanctuary city policies are in place in Georgia,⁹

1. Illegal Immigration Reform and Immigration Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009 (codified as amended in scattered sections of 8 U.S.C.).

2. Lisa M. Seghetti et al., CONGRESSIONAL RESEARCH SERVICE, ENFORCING IMMIGRATION LAW: THE ROLE OF STATE AND LOCAL LAW ENFORCEMENT at 26 (2005).

3. See *Lawmakers 2009* (GPTV broadcast, Feb. 24, 2009) (remarks by Sen. Chip Pearson) (on file with the Georgia State University Law Review).

4. See Seghetti et al., *supra* note 2.

5. Anthony Faiola, *Looking the Other Way on Immigrants*, WASH. POST, Apr. 10, 2007, at A01.

6. Michael Luo, *A Closer Look at the ‘Sanctuary City’ Argument*, N.Y. TIMES, Nov. 29, 2007 at A26, available at 2007 WLNR 23527581.

7. Seghetti et al., *supra* note 2, at 26–27.

8. See SB 340, as introduced, 2008 Ga. Gen. Assem.

but several areas in Georgia “have become de facto sanctuary cities because they are knowingly telling their law enforcement officers not to ask the question of immigration status when otherwise checking folks for violation of the law.”¹⁰ Senator Pearson (R-51st) viewed SB 340 as a necessary bill to send a message to cities that they must comply with federal law.¹¹ The bill passed both houses, but the legislature ran out of time to agree on a final version on the final day of the legislative session.¹² Senator Pearson reintroduced the bill in the 2008–2009 Georgia Legislative Session.¹³ SB 20, as introduced, is different from SB 340 only in that SB 20 provides for withholding of funds in the face of a violation, but SB 340 would have provided a cause of action to the Attorney General in the face of a violation.¹⁴

The ACLU of Georgia actively lobbied against SB 20.¹⁵ In its talking points memo, the ACLU alleged that the bill “would endanger public safety and negatively impact businesses and American workers.”¹⁶ Further, Azadeh Shahshahani, an ACLU attorney speaking at the Governmental Affairs committee hearing, argued that adoption of the bill would encourage police to engage in racial profiling and would encourage local law enforcement to share private information with other agencies.¹⁷

9. *See Lawmakers 2009* (GPTV broadcast, Feb. 24, 2009) (remarks by Sen. Chip Pearson (R-51st)) (on file with the Georgia State University Law Review).

10. Video Recording of the House Governmental Affairs Committee Meeting, Mar. 24, 2009 at 2 hr., 1 min., 20 sec. (remarks by Sen. Chip Pearson), http://www.legis.state.ga.us/legis/2009_10/house/Committees/govAffairs/govArchives.htm. [hereinafter Mar. 24 Governmental Affairs Video].

11. *See id.* at 1 hr., 57 min., 53 sec. (remarks by Sen. Chip Pearson).

12. *See* Georgia General Assembly, SB 340 Bill Tracking, http://www.legis.state.ga.us/legis/2007_08/sum/sb340.htm; Video Recording of Senate Proceedings, Feb. 24, 2009 at 34 min., 3 sec. (remarks by Sen. Chip Pearson), mms://mediam1.gpb.org/ga/leg/2009/senate_022409.wmv [hereinafter Senate Video].

13. Senate Video, *supra* note 12.

14. *See* SB 340 (HCS), 2008 Ga. Gen. Assem.; SB 20, as introduced, 2009 Ga. Gen. Assem.

15. Memorandum from the American Civil Liberties Union of Georgia, SB 20 Would Endanger Public Safety by Forcing Local Police to Report to Federal Immigration Officials (on file with the Georgia State University Law Review) [hereinafter ACLU Memorandum].

16. *Id.*

17. Video Recording of House Committee on Governmental Affairs Meeting, Mar. 26, 2009 at 11 min., 47 sec. (remarks by Azadeh Shahshahani, ACLU Attorney), http://www.legis.state.ga.us/legis/2009_10/house/Committees/govAffairs/govArchives.htm [hereinafter Mar. 26 Governmental Affairs Video].

Colorado and Missouri have both adopted bans on sanctuary policies in their states.¹⁸ Colorado acted first and adopted a statute in 2006 that provides that “[n]o local government . . . shall enact any ordinance or policy that limits or prohibits a peace officer, local official, or local government employee from communicating or cooperating with federal officials with regard to the immigration status of any person within this state.”¹⁹ Missouri followed by enacting its own prohibition against sanctuary policies on January 1, 2009.²⁰ Missouri’s statute states that “no municipality shall enact or adopt any sanctuary policy.”²¹ Colorado’s statute provides for a withholding of grants from the offending local government until the policy is rescinded.²²

Bill Tracking

Consideration and Passage by the Senate

Senators Chip Pearson (R-51st), Chip Rogers (R-21st), Mitch Seabaugh (R-28th), Tommie Williams (R-19th), and Jeff Mullis (R-53rd), respectively, sponsored SB 20.²³ The Senate read the bill for the first time on January 13, 2009, and it was referred by Senate President Pro Tempore Tommie Williams (R-19th) to the Senate Committee on Public Safety the same day.²⁴ The committee favorably reported on SB 20 on February 11, 2009; it was read in the Senate for the second time on February 12, 2009 and for the third time on February 24, 2009.²⁵ During the Senate floor debate on February 24, 2009, Senate Majority Leader Chip Rogers introduced an amendment to the bill.²⁶ The amendment clarified that funding would not be withheld for federal government exempted services as provided in Code section 50-36-1, even if a public employer or local

18. See COLO. REV. STAT. §§ 29-29-101, -103 (2006); MO. REV. STAT. § 67.307 (2009).

19. COLO. REV. STAT. § 29-29-103(1) (2006).

20. MO. REV. STAT. § 67.307 (2009).

21. *Id.* § 67.307(2).

22. COLO. REV. STAT. § 29-29-109(3) (2006).

23. See SB 20, as introduced, 2009 Ga. Gen. Assem.

24. State of Georgia Final Composite Status Sheet, SB 20, Apr. 3, 2009.

25. *Id.*

26. Senate Video, *supra* note 12, at 35 min., 53 sec. (remarks by Sen. Chip Rogers (R-21st)).

government acts in violation of the code.²⁷ Those services include things such as soup kitchens, emergency care, and vaccinations.²⁸ The same day, February 24, 2009, the Senate passed the bill as amended by a vote of 37 in favor and 9 in opposition.²⁹ On March 30, 2009, after the House passed the bill by substitute by a vote of 124 in favor and 28 in opposition, the Senate passed the House substitute by a vote of 39 in favor and 12 in opposition.³⁰

Consideration and Passage by the House

The House first read SB 20 on February 25, 2009 and read it for the second time on the following day.³¹ Speaker of the House Glenn Richardson (R-19th) assigned it to the House Committee on Governmental Affairs.³² The bill, as originally introduced, would have withheld funding from public employers who failed to verify the information of new employees with the federal work authorization program.³³ It likewise would have withheld funding from public agencies that failed to verify the lawful presence of any person who applied for state, local, or federal public benefits.³⁴ A substitute was introduced that struck both of these sections as a compromise measure in the House Governmental Affairs committee, because some city councils expressed that they did not want this added burden.³⁵ At Representative Jay Powell's (R-171st) urging, an exemption was created in the definition of immigration status information to exclude any information required by law to be kept confidential.³⁶ Additionally, Representative Alan Powell (D-29th) raised concerns that the bill was merely a message bill with no teeth

27. *Id.*

28. *See* 2006 Ga. Laws 105, § 9, at 115 (codified at O.C.G.A. § 50-36-1 (2008)).

29. *See* SB 20 (SFA), 2009 Ga. Gen. Assem.; Georgia Senate Voting Record, SB 20 (Feb. 24, 2009).

30. Georgia Senate Voting Record, SB 20 (Mar. 30, 2009).

31. State of Georgia Final Composite Status Sheet, SB 20, April 3, 2009.

32. *Id.*

33. *See* SB 20, as introduced, 2009 Ga. Gen. Assem.; 2006 Ga. Laws 105, § 2, at 107 (codified at O.C.G.A. § 13-10-91(b)(1) (2008)).

34. *See* SB 20, as introduced, 2009 Ga. Gen. Assem.; 2006 Ga. Laws 105, § 9, at 115 (codified at O.C.G.A. § 50-36-1(a) (2008)).

35. Mar. 26 Governmental Affairs Video, *supra* note 17, at 30 sec. (remarks by Sen. Chip Pearson).

36. *Id.*

because there was no enforcement provision in the original bill.³⁷ At his urging and with legislative counsel, a new section was added that allows any state agency providing funding to require certification of compliance as a condition of funding.³⁸ Representative Jay Powell and Representative Larry O’Neal (R-146th) felt the bill was too vague as written and could be read to reach innocent activity.³⁹ Senator Pearson and Representative Powell met outside committee to draft the substitute, shortening and streamlining the bill.⁴⁰ The House Committee on Governmental Affairs favorably reported on the substitute bill on March 26, 2009.⁴¹ The House read SB 20 for the third time on March 30, 2009, and passed it on the same day by a vote of 124 in favor to 28 in opposition.⁴² SB 20 was then returned to the Senate, where it was ratified.⁴³ The Senate sent the bill to Governor Sonny Perdue for his signature on April 13, 2009.⁴⁴

The Act

The Act amends Chapter 80 of Title 36 of the Official Code of Georgia Annotated to prohibit immigration sanctuary policies by local governmental entities and to provide penalties for violations.⁴⁵

Section 1 of the Act adds a new Code section, 36-80-23, which prohibits sanctuary policies in the state of Georgia.⁴⁶ Subsection (a) provides definitions of terms that are used in the other remaining subsections.⁴⁷ Subsection (b) prohibits any local governing body from “acting through its governing body or by an initiative, referendum, or any other process” to “enact, adopt, implement or

37. Mar. 24 Governmental Affairs Video, *supra* note 10, at 2 hr., 6 min., 2 sec. (remarks by Rep. Alan Powell).

38. *Id.*; see also SB 20 (HCS), 2009 Ga. Gen. Assem.

39. Mar. 24 Governmental Affairs Video, *supra* note 10, at 2 hr., 11 min., 45 sec. (remarks by Rep. Jay Powell).

40. Mar. 26 Governmental Affairs Video, *supra* note 17, at 30 sec. (remarks by Sen. Chip Pearson).

41. State of Georgia Final Composite Status Sheet, SB 20, April 3, 2009.

42. *Id.*

43. *Id.*

44. Georgia General Assembly, SB 20 Bill Tracking, http://www.legis.state.ga.us/legis/2008_09/sum/sb20.htm.

45. See O.C.G.A. § 36-80-23 (Supp. 2009).

46. *Id.*

47. *Id.* § 36-80-23(a).

enforce any sanctuary policy,”⁴⁸ because those terms are defined in subsection (a). Subsection (c) provides for the withholding of state funds or state administered federal funding as the penalty for a violation of subsection (b).⁴⁹ Subsection (d) explains that state agencies that provide funding to local governing bodies may, as a condition of funding, require a certification of compliance.⁵⁰

Analysis

The Act manifests an attempt to prevent the creation of official sanctuary cities and stop current de facto sanctuary city practices at the local government level that are contrary to federal immigration laws.⁵¹ Violators of the Act face the withholding of State funds.⁵² Although there are no officially established sanctuary cities in Georgia, the bill was designed to “send a huge message” that Georgia will not support sanctuary cities or sanctuary policies.⁵³ Looking to the future, opponents of the Act raise several concerns.⁵⁴

Vagueness

Representatives, attorneys, and members of the public have voiced concerns regarding the clarity of the Act’s language.⁵⁵ During the Governmental Affairs Committee meeting, Representative Jay Powell (R-171st) complained of several instances of vagueness in SB 20, such as the words “reasonably believed” and “in conjunction with” under the definition of “immigration status information.”⁵⁶ Much of the language in question was changed with the assistance of

48. *Id.* § 36-80-23(b).

49. *Id.* § 36-80-23(c).

50. *Id.* § 36-80-23(d).

51. See Mar. 24 Governmental Affairs Video, *supra* note 10, at 2 hr., 30 sec. (remarks by Sen. Chip Pearson).

52. See O.C.G.A. § 36-80-23(c) (Supp. 2009).

53. See Mar. 24 Governmental Affairs Video, *supra* note 10, at 2 hr., 5 min., 30 sec. (remarks by Sen. Chip Pearson).

54. See discussions *infra* Vagueness, Adverse Effects on Public Safety, and Practicality.

55. See discussion *infra* Vagueness.

56. See Mar. 24 Governmental Affairs Video, *supra* note 10, at 2 hr., 11 min., 45 sec. (remarks by Rep. Jay Powell).

Representative Powell.⁵⁷ However, the committee also expressed concern about the sparse language contained in the section dealing with the withholding of funds from local governments; this section was not subsequently changed.⁵⁸ There is no mention in the Act of how the withheld funds are determined, and the bill does not mention who will determine the amount.⁵⁹ To this, Senator Pearson (R-51st) explained that this section of the bill was purposefully left vague to give local governments “the benefit of the doubt” in hopes that the bill will not require an additional two or three pages defining how to enforce the penalties.⁶⁰ Senator Pearson concedes that SB 20 is a “message bill” and, as the author, he has deliberately chosen to postpone clarifying the penalty process unless and until a use of sanctuary policies becomes apparent.⁶¹

Notwithstanding Senator Pearson’s explanation that the enforcement mechanisms of the Act were deliberately left vague, others still foresee problems with the bill’s language. One member of the public voiced his concern regarding the definition of “Sanctuary Policy”—specifically, the word “practice.”⁶² Though “regulation, rule [and] policy” suggest a formal recognition of sanctuary policies, “practice” suggests a de facto sanctuary policy; either way, it remains unclear exactly what the sanctuary policies are. Ted Baggett, the Deputy General Counsel of the Georgia Municipal Association, claimed that, although the language had been tightened up after the edits with Representative Powell, SB 20 still suffered from vagueness.⁶³ Specifically, the words “communication or cooperating” found in the definition of a “Sanctuary Policy” are “indiscernible” in

57. See Mar. 26 Governmental Affairs Video, *supra* note 17, at 30 sec. (remarks by Sen. Chip Pearson).

58. See Mar. 24 Governmental Affairs Video, *supra* note 10, at 2 hr., 6 min., 6 sec. (remarks by Rep. Alan Powell).

59. See O.C.G.A. § 36-80-23(c) (Supp. 2009) (“Any local government body that acts in violation of this Code section shall be subject to the withholding of state funding or state administered federal funding other than funds to provide services specified in subsection (c) of Code section 50-36-1.”).

60. See Mar. 24 Governmental Affairs Video, *supra* note 10, at 2 hr., 7 min., 12 sec. (remarks by Sen. Chip Pearson).

61. *Id.*

62. See Mar. 26 Governmental Affairs Video, *supra* note 17, at 27 min. (remarks by member of the public) (“[W]e have undefined issues, which can result in undefined withholding of state funding; this does not seem like a reasonable bill.”).

63. *Id.* at 31 min., 50 sec. (remarks by Ted Baggett, Deputy General Counsel of the Georgia Municipal Association).

the context of the bill.⁶⁴ Instead of attempting to legislate against general “practices,” Baggett claimed that he would “much rather see a debate regarding specific things that the cities are doing that the state feels that are bad policies than enact an omnibus prohibition on not communicating and cooperating.”⁶⁵ Neither Senator Pearson nor members of the House Committee had a response for these speakers due to a lack of time; they were only heard to speak after the bill had been passed by the Committee and after Senator Pearson exited.⁶⁶

Adverse Effects on Public Safety

Acknowledging that SB 20 is primarily a “message bill,” many are worried about exactly what that message will be.⁶⁷ The ACLU foresees that “[e]veryone’s safety, including that of U.S. citizens, is put in jeopardy when immigrants do not feel safe to come forth with critical information when crimes are committed against them, their families or members of the larger community.”⁶⁸ Many believe that a relationship of cooperation and trust between immigrants and law enforcement is paramount to ensuring that victims of crimes report those crimes.⁶⁹ But if the immigrant fears that local law enforcement is required to report illegal status to federal officials, then the “immigrant’s trust in local law enforcement is destroyed.”⁷⁰ Moreover, as Peter Isbister, a former staff attorney at the Mexican American Legal Defense and Educational Fund, argues, many immigrants are coming from communities where “often their view of law enforcement is that they are a violent, corrupt and ineffective. These perceptions are transferred to immigrant’s perception to

64. *Id.*

65. *Id.*

66. *Id.* at 11 min., 30 sec. (remarks by Rep. Austin Scott (R-153rd)).

67. *See, e.g.,* Senate Video, *supra* note 12, at 35 min., 53 sec. (remarks by Sen. Nan Orrock) (“[I]f we continue as the State of Georgia to pass legislation with increasingly hostile messages to the international community and to those who come here to work from other countries . . . we are fast approaching the point where we will damage our state economy [and], even more profoundly, send a message of negativity and hostility to the international community.”).

68. ACLU Memorandum, *supra* note 15.

69. *See, e.g., id.*; Mar. 26 Governmental Affairs Video, *supra* note 17, at 18 min., 30 sec. (remarks by Peter Isbister, former Staff Attorney, Mexican American Legal Defense and Educational Fund); Interview with Azadeh Shahshahani, ACLU Attorney (Sept. 9, 2009) [hereinafter Shahshahani Interview].

70. ACLU Memorandum, *supra* note 15; *see also* Shahshahani Interview, *supra* note 69.

American police as well, creating a reluctance to seek law enforcement assistance.”⁷¹ Satyam Barakoti, project coordinator at Georgia Coalition Against Domestic Violence, foresees problems particularly with the crimes of sexual assault and domestic violence because, many times, batterers do not file the immigration status for their spouses and use that as a way to keep them in their violent relationships.⁷² Overall, opponents of the Act predict that this “message bill” will create “a divide between local police and immigrant groups that will result in increased crime, create a class of silent victims, and eliminate the potential for assistance from immigrants in solving crimes or preventing crimes in the future.”⁷³

Supporters of the Act view its message to be that of adherence to federal law, specifically the IIRIRA.⁷⁴ Representative Alan Powell (D-29th) explained that “what we’re saying is basically that local government entities cannot pass ordinances, rules, regulations or policies that basically give us a slap in the face about the rule of law. In this country, in the State of Georgia, we’re just trying to do what obviously our federal government has not done for the last 40 years, of saying that if it’s against the law, then the local subdivisions of government can’t, basically, fail to acknowledge what is the law.”⁷⁵ Moreover, while opponents of the Act focus on potential victims of crimes, Senator Pearson promoted the bill’s potential effectiveness at *preventing* crimes.⁷⁶ Senator Pearson illustrated his point by using examples of illegal immigrants who had killed people while driving drunk and after having been arrested several times before without having been questioned about their immigration status.⁷⁷ He also referenced Muhammad Atta, one of the September 11, 2001

71. See Mar. 26 Governmental Affairs Video, *supra* note 17, at 18 min., 30 sec. (remarks by Peter Isbister, former Staff Attorney, Mexican American Legal Defense and Educational Fund).

72. See Mar. 24 Governmental Affairs Video, *supra* note 10, at 3 hr., 5 min. (remarks by Satyam Barakoti, Project Coordinator at Georgia Coalition Against Domestic Violence).

73. See Mar. 26 Governmental Affairs Video, *supra* note 17, at 20 min., 20 sec. (remarks by Peter Isbister, former Staff Attorney, Mexican American Legal Defense and Educational Fund).

74. See Mar. 24 Governmental Affairs Video, *supra* note 10, at 1 hr., 58 min., 53 sec. (remarks by Sen. Chip Pearson).

75. See Mar. 26 Governmental Affairs Video, *supra* note 17, at 21 min., 30 sec. (remarks by Rep. Alan Powell).

76. See Mar. 24 Governmental Affairs Video, *supra* note 10, at 1 hr., 59 min. (remarks by Sen. Chip Pearson).

77. *Id.*

attackers, as someone who, had his visa been checked, could have been detained and his crime possibly prevented.⁷⁸

Opponents of the Act tend to focus on the Act's deterrent effect on potential victims to report crimes, but the author emphasizes deterring possible criminal behavior; however, the bill itself does not appear to distinguish between victims and perpetrators in its definition of "sanctuary policy" and would, on its face, appear to apply to victims and perpetrators equally.⁷⁹

Practicality

In addition to issues of vagueness and public safety, the Act has also been criticized for imposing standards on cities that are potentially impractical.⁸⁰ Opponents claim that housing and processing so many illegal immigrants bleeds cities' and sheriffs departments' funds dry.⁸¹ And in places like Sandy Springs, where the city does not own a jail of its own, local governments must bear the expense of housing all of the illegal immigrants.⁸² Ted Baggett elaborated on these concerns, saying that many times the INS refused to come get the illegal immigrants being held and, often, did not even answer its phone.⁸³ Ultimately, critics argue, cities and local law enforcement should not have to choose between the two unappealing choices of being subject to penalties for failing to do the federal government's job and attempting to conform to a law at the cost of a substantial portion of their time and money.⁸⁴

78. *Id.* at 1 hr., 59 min., 54 sec.

79. *See* O.C.G.A. § 36-80-23(a)(6) (Supp. 2009) ("Sanctuary policy' means any regulation, rule, policy, or practice adopted by a local governing body which prohibits or restricts local officials or employees from communicating or cooperating with federal officials or law enforcement officers with regard to reporting immigration status information while such local official or employee is acting within the scope of his or her official duties.").

80. *See* Mar. 24 Governmental Affairs Video, *supra* note 10, at 2 hr., 3 min., 30 sec. (remarks by Rep. Alan Powell) (Referring to his communications with local law enforcement officials after asking why they did not always arrest illegal immigrants, he says that "I was almost laughed out of the conversation, because [they said] we don't have enough space to keep the folks locked up because INS will not come and pick anyone up.").

81. *See* Mar. 26 Governmental Affairs Video, *supra* note 17, at 27 min., 36 sec. (remarks by member of the public).

82. *Id.*

83. *Id.* at 31 min., 8 sec. (remarks by Ted Baggett, Deputy General Counsel of the Georgia Municipal Association).

84. *See* discussion *supra* Vagueness.

Senator Pearson responded to the issue of overcrowded jails by suggesting that “tent cities,” like those Arizona uses, be constructed for temporarily detaining people until they could be properly dealt with.⁸⁵ Senator Pearson emphasized that the question is not whether we “want to do this. [Rather,] it’s necessary we do this to enforce these laws and protect our citizens as our constitution requires us to do.”⁸⁶ He further emphasized that SB 20 was primarily a message bill and that he expected that message could be communicated without a large expenditure of funds.⁸⁷

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85. See Mar. 24 Governmental Affairs Video, *supra* note 10, at 2 hr., 4 min., 27 sec. (remarks by Sen. Chip Pearson).

86. *Id.* at 2 hr., 5 min., 15 sec.

87. *Id.* at 2 hr., 5 min., 32 sec.