

# 85<sup>th</sup> Legislative Session

## Senate Bill 4



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“Sanctuary City Legislation”

# Applicability

- Police Chiefs, Sherriff's, Constables, or person having primary authority for administering a jail who has custody of a person subject to an immigration detainer.
- “Local Entity”; to include, city, city council, its officers, employees and other bodies that are part of a City, including its police and municipal attorney. Includes police departments of institutions of higher education.
- Does not include hospital, hospital district or religious organizations with police officers.

# Current Police Department Policy

- Maintains Cooperative partnership with Immigration and Customs Enforcement (ICE).
- Provides interagency assistance as requested.
- All prisoners entering Jail are screened:
  - Where were you born?
  - Are you a U.S. citizen?
  - Are you a legal U.S. resident?
  - Are you in the U.S. illegally?



# Current Policy Continued

- On Duty ICE agent contacted by Detention Officer if prisoner is suspected of not being a legal U.S Citizen
- Telephone interview conducted/ICE agent may issue Immigration Detainer.
- Detainer valid for 48 hours.

\*\*ICE is called if prisoner is pending release on Criminal Charges. Prisoner will not be held for Detainer Only.



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# Senate Bill 4

- Requires compliance with ICE detainer requests.
- Texas Attorney General will defend local entity, at request of City Council or Manager, if sued for complying with an ICE detainer.
- Local entity may not limit through policy, practice or procedure the enforcement of immigration law.
- Class A misdemeanor for sheriff, Chief or Constable to fail to comply with ICE detainer



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# SENATE BILL 4 (CONT.)

- An entity may not prohibit:
  - Officer/Detention staff from inquiring into a persons immigration status when under arrest or legal detention.
  - Transmittal or receipt of immigration information to ICE.
  - May not limit cooperation with Federal Immigration officer.
  - May not prevent Immigration Officer from entering and conducting enforcement at local jail.
  - Local entity **may prohibit** assistance/cooperation with ICE if location is a place of worship.
  - Citizen complaint process established through Texas Attorney General for violating above provisions.



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# Elected / Appointed Officials

- An elected or appointed official may forfeit their office under Section 66.001 of the Texas Civil Practice and Remedies Code for violating provisions in Section 752.053 of the Texas Government Code.
- Generally, a violation would be to adopt policy, practice or procedure that limits the enforcement of immigration law.



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# Civil Penalty

- A local entity that is found by a court as having intentionally violated provisions outlined in Texas Government Code 752.053 (\*limiting enforcement) is subject to civil penalty
  - \$1,000 to \$1,500 for first violation.
  - \$25,000 to \$25,500 for each subsequent.



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# Immigration Law Grants

- Texas Government Code 772.0073 establishes grants to local law enforcement for the purpose of enforcing immigration law.



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# Community Outreach

- Allows local law enforcement to create written policy to perform community outreach.
- Specifically, education on the prohibition of police from inquiring into the immigration status of a victim or witness of a crime unless necessary for investigative purposes or to provide information regarding federal visas specific to crime victims (U-Visa).



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Questions!



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