

115TH CONGRESS
1ST SESSION

H. R. 748

To protect any State or local authority that limits or restricts compliance with an immigration detainer request remains eligible for grants and appropriated funds.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2017

Mr. QUIGLEY (for himself, Ms. BARRAGÁN, Mr. PAYNE, Mr. BLUMENAUER, Ms. JUDY CHU of California, Ms. DELAURO, Mr. ELLISON, Mr. ESPAILLAT, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. JEFFRIES, Mr. LARSEN of Washington, Mrs. CAROLYN B. MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MEEKS, Ms. MOORE, Mr. NADLER, Ms. NORTON, Mr. BEYER, Mr. RASKIN, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SOTO, Ms. TITUS, Mr. TONKO, Mr. VARGAS, Ms. VELÁZQUEZ, Mr. GALLEGO, Mr. TED LIEU of California, Mr. WELCH, Mr. SMITH of Washington, Mrs. NAPOLITANO, and Ms. BONAMICI) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect any State or local authority that limits or restricts compliance with an immigration detainer request remains eligible for grants and appropriated funds.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Safeguarding Sanc-
3 tuary Cities Act of 2017”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Existing Federal law authorizes any author-
7 ized immigration officer to issue an immigration de-
8 tainer that serves to advise another law enforcement
9 agency that the Federal department seeks custody of
10 an undocumented immigrant presently in the cus-
11 tody of that agency, for the purpose of arresting and
12 removing the undocumented immigrant.

13 (2) Unlike criminal detainers, which are sup-
14 ported by a warrant and require probable cause,
15 there is no requirement for a warrant and no estab-
16 lished standard of proof, such as reasonable sus-
17 picion or probable cause, for issuing an ICE detainer
18 request. Immigration detainers have erroneously
19 been placed on United States citizens, as well as im-
20 migrants who are not deportable.

21 (3) *Galarza v. Szalczyk*, U.S. Court of Appeals
22 for the Third Circuit ruled in March 2014 that
23 States and counties are not required to keep undocu-
24 mented immigrants in jail on immigration detainers;
25 and in April 2014, *Miranda-Olivares v. Clackamas*
26 County, the U.S. District Court in Portland, Or-

1 egon, found that county governments would be ex-
2 posed to civil rights lawsuits for honoring detainers
3 not issued in compliance with Fourth Amendment
4 protections, including a showing of probable cause.

5 **SEC. 3. DISCRETION TO COMPLY WITH IMMIGRATION DE-**
6 **TAINERS.**

7 Notwithstanding any other provision of law (includ-
8 ing section 642 of the Illegal Immigration Reform and Im-
9 migrant Responsibility Act of 1996), if a State or unit
10 of local government has in place any policy that limits or
11 restricts compliance with a detainer or otherwise does not
12 comply with a detainer, Federal financial assistance (as
13 such term is defined in section 7501(a)(5) of title 31,
14 United States Code) that the State or unit of local govern-
15 ment would otherwise receive may not be reduced or not
16 made available to that State or unit of local government
17 by reason of such noncompliance.

18 **SEC. 4. DEFINITIONS.**

19 In this Act, the term “detainer” means any order or
20 request by the Secretary of Homeland Security to a State
21 or local official—

22 (1) to temporarily hold a person in the custody
23 of that State or unit of local government until such
24 person may be taken into Federal custody;

- 1 (2) to transport such a person for transfer to
- 2 Federal custody; or
- 3 (3) to notify the Secretary prior to the release
- 4 of such a person.

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