

115TH CONGRESS  
1ST SESSION

# S. 1039

To indemnify local law enforcement entities for complying with valid detainers issued by immigration officers.

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IN THE SENATE OF THE UNITED STATES

MAY 4, 2017

Mr. FLAKE (for himself and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To indemnify local law enforcement entities for complying with valid detainers issued by immigration officers.

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

3 **SECTION 1. STATEMENT OF PURPOSE.**

4 The purpose of this Act is to ensure that States and  
5 localities do not incur costs by complying in good faith  
6 with immigration detainers issued by the Federal Govern-  
7 ment.

8 **SEC. 2. FEDERAL GOVERNMENT COSTS.**

9 Since immigration detainers are issued by Federal of-  
10 ficials based upon information about an alien's immigra-

1 tion status that is often only known by such officials, the  
2 Federal Government shall be responsible to pay for the  
3 costs of any legally cognizable injuries to third parties re-  
4 sulting from the issuance and execution of such detainers.

5 **SEC. 3. INDEMNIFICATION FOR LOCAL LAW ENFORCE-**  
6 **MENT.**

7 Section 287 of the Immigration and Nationality Act  
8 (8 U.S.C. 1357) is amended by adding at the end the fol-  
9 lowing:

10 “(i) Subject to available appropriations, a State or  
11 its employee, a political subdivision of a State or its em-  
12 ployee, or an elected official that receives a request from  
13 U.S. Immigration and Customs Enforcement to tempo-  
14 rarily detain an alien or transport the alien to a Federal  
15 detention center shall be indemnified and held harmless  
16 by the Secretary of Homeland Security from all claims by  
17 any person that may arise from good faith compliance with  
18 such request.”.

19 **SEC. 4. SAVINGS PROVISION.**

20 Nothing in this Act may be construed to preclude a  
21 legal cause of action.

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