H.R. 3009—Enforce the Law for Sanctuary Cities Act (Hunter, R-CA)

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FLOOR SCHEDULE: SCHEDULED FOR CONSIDERATION ON JULY 21, 2015, UNDER A SUSPENSION OF THE RULES, WHICH REQUIRES A TWO THIRDS MAJORITY FOR PASSAGE.

COST: A Congressional Budget Office (CBO) estimate is not available.

TOPLINE SUMMARY: H.R. 3009 would amend the Immigration and Nationality Act to restrict state criminal alien assistance funding if: (1) a city or local subdivision has any law or policy that prevents communication with the Immigration and Naturalization Service, or another government entity, regarding in individual's immigration or citizenship status; or (2) prohibits state or local law enforcement from obtaining information regarding an individual's citizenship status or immigration status.

CONSERVATIVE CONCERNS: There are no substantive concerns.
- **Expand the Size and Scope of the Federal Government? No.**
- **Encroach into State or Local Authority? No.**
- **Delegate Any Legislative Authority to the Executive Branch? No**
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No**

DETAILED SUMMARY AND ANALYSIS: On July 1, 2015, Kate Steinle was walking on a pier in San Francisco when she was murdered. The man accused of her murder, Juan Francisco Lopez-Sanchez, confessed to the crime. A subsequent investigation uncovered that Lopez-Sanchez —an undocumented immigrant with multiple felony convictions—had been deported previously to Mexico five times. In March, Immigration and Customs Enforcement (ICE) released Lopez-Sanchez into the custody of the San Francisco Police Department, based on drug charges. ICE asked to be notified when he was released, requesting an immigration detainer. An immigration detainer is a DHS notice issued to (1) inform local law enforcement agencies (LEA) of their intent to assume custody of an alien; (2) request for more information about an alien in custody; and (3) request for local authorities to hold a suspect until ICE can assume custody. However, San Francisco, as a sanctuary city, does not honor immigration detainer requests and released Lopez-Sanchez. San Francisco officials believed that turning Lopez-Sanchez over constituted a violation of his Fourth Amendment rights. Lopez-Sanchez is currently in San Francisco County Jail facing a homicide charge. ICE has again requested an immigration detainer.

H.R. 3009 would amend the Immigration and Nationality Act to prohibit a state, or a political subdivision of a state, from receiving state criminal alien assistance funding, which provides funds to states and localities that have incurred costs for incarcerating criminal aliens who have at least one felony conviction, if the state or political subdivision has any law, policy, or procedure that restricts or prohibits a government entity from obtaining immigration status information of an individual, or if it prevents state or local law enforcement from gathering information pertaining to an individual's immigration status.

The bill would also restrict a state or local government from receiving funds if they were awarded a grant under Part Q, Title I of the Omnibus Crime Control and Safe Streets Act of 1968, if the state or local government acts as a sanctuary city as described above. In addition, the bill would also restrict a state or local government from receiving Byrne-JAG funds.

OUTSIDE GROUPS OPPOSED
NumbersUSA

COMMITTEE ACTION: This bill was introduced on July 9, 2015 and was referred to the House Committee on the Judiciary.

ADMINISTRATION POSITION: No Statement of Administration Position is available.

CONSTITUTIONAL AUTHORITY: Congress has the power to enact this legislation pursuant to the following: The constitutional authority on which this legislation is based is found in Article 1, Section 8, Clause 18.
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