



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3739

by Rep. Jaime M. Andrade, Jr.

SYNOPSIS AS INTRODUCED:

New Act

Creates the Safeguarding Sanctuary Cities Act. Provides that if a unit of local government has in place any policy that limits or restricts compliance with a detainer or otherwise does not comply with a detainer, any grant of State funds that the unit of local government would otherwise receive may not be reduced or not made available to that unit of local government by reason of noncompliance with immigration detainers. Defines "detainer" as any order or request by the Secretary of Homeland Security to a unit of local government official: (1) to temporarily hold a person in the custody of that State or unit of local government until such person may be taken into federal custody; (2) to transport such a person for transfer to federal custody; or (3) to notify the Secretary of Homeland Security prior to the release of such a person.

LRB100 11025 AWJ 21264 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 "Safeguarding Sanctuary Cities Act".

6 Section 5. Findings. The General Assembly finds:

7 (1) Existing federal law authorizes any authorized
8 immigration officer to issue an immigration detainer that
9 serves to advise another law enforcement agency that the
10 federal department seeks custody of an undocumented
11 immigrant presently in the custody of that agency, for the
12 purpose of arresting and removing the undocumented
13 immigrant.

14 (2) Unlike criminal detainers, which are supported by a
15 warrant and require probable cause, there is no requirement
16 for a warrant and no established standard of proof, such as
17 reasonable suspicion or probable cause, for issuing an ICE
18 detainer request. Immigration detainers have erroneously
19 been placed on United States citizens, as well as
20 immigrants who are not deportable.

21 (3) The U.S. Court of Appeals for the Third Circuit
22 ruled, in March 2014, in the case of Galarza v. Szalczyk
23 that states and counties are not required to keep

1 undocumented immigrants in jail on immigration detainers;
2 and in April 2014, the U.S. District Court in Portland,
3 Oregon found in the case of Miranda-Olivares v. Clackamas
4 County that county governments would be exposed to civil
5 rights lawsuits for honoring detainers not issued in
6 compliance with Fourth Amendment protections, including a
7 showing of probable cause.

8 Section 10. Definitions. As used in this Act "detainer"
9 means any order or request by the Secretary of Homeland
10 Security to a unit of local government official:

11 (1) to temporarily hold a person in the custody of that
12 State or unit of local government until such person may be
13 taken into federal custody;

14 (2) to transport such a person for transfer to federal
15 custody; or

16 (3) to notify the Secretary of Homeland Security prior
17 to the release of such a person.

18 Section 15. Discretion to comply with immigration
19 detainers. Notwithstanding any other provision of law, if a
20 unit of local government has in place any policy that limits or
21 restricts compliance with a detainer or otherwise does not
22 comply with a detainer, any grant of State funds that the unit
23 of local government would otherwise receive may not be reduced
24 or not made available to that unit of local government by

1 reason of noncompliance with immigration detainers.