



## H.R. 3003 – No Sanctuary for Criminals Act (Rep. Goodlatte, R-VA)

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### FLOOR SCHEDULE:

Expected to be considered on June 29, 2017 under a closed [rule](#).

### TOPLINE SUMMARY:

[H.R. 3003](#) would provide for stricter penalties for jurisdictions that operate as sanctuary cities, including barring Department of Justice and Homeland Security grants from being allocated to sanctuary jurisdictions.

### COST:

The Congressional Budget Office (CBO) estimate is not yet available.

### CONSERVATIVE 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:

H.R. 3003 would amend the [Illegal Immigration Reform and Immigrant Responsibility Act of 1996](#) to prevent a federal, state, or local government entity, or an individual, from prohibiting or restricting a federal, state, or local government entity, official, or personnel from complying with the [Immigration and Nationality Act](#), or from assisting federal law enforcement in enforcing the immigration laws of the Immigration and Nationality Act. It would also prohibit the prevention of federal, state, or local government entities or officials from undertaking certain activities, including making inquiries, notifying the federal government of the presence of an individual, or complying with requests for information from federal law enforcement, as they pertain to information regarding the citizenship or immigration status, deportability or inadmissibility, or custody status of an individual.

H.R. 3003 would prohibit sanctuary jurisdictions from receiving certain Department of Justice and Department of Homeland Security grant funds, including Cops on the Beat funds and Edward Byrne Memorial JAG funds, or any grant substantially related to law enforcement, terrorism, national security, immigration, or naturalization.

At the Secretary of Homeland Security's discretion, he may decline to transfer an alien in its custody to a state or jurisdiction found to be acting as a sanctuary jurisdiction. Similarly, the secretary would not be permitted to transfer aliens with final orders of removal to such jurisdictions.

The secretary would be required to report to Congress on states and jurisdictions found to not be in compliance with the provisions of this legislation. Any funds not allocated to states or jurisdictions due to lack of compliance would be reallocated to states and jurisdictions found to be in compliance.

Nothing in this legislation would require the reporting or arrest of victims or witnesses of a criminal offense.

This legislation would also serve to clarify the scope of authority of Immigration and Customs Enforcement (ICE) detainers. Individuals arrested for violations of criminal or motor vehicle laws may be issued a detainer by the secretary, if the secretary has probable cause to believe the individual is an inadmissible or deportable alien. If the federal, state, or local law enforcement entity complies with the detainer, DHS may take custody within 48 hours, excluding weekends and holidays, and in no more than 96 hours following the date the individual should otherwise be released from custody.

States or political subdivisions of states and their officials, and any nongovernmental organization contracted by the state or its subdivision, would, while acting in compliance with a detainer, be considered as acting under the color of federal authority as it pertains to liability, and therefore would be held harmless for their compliance in any suit seeking damages. This section of the legislation seeks to address potential liability arising from assertions of Fourth Amendment violations of illegal searches and seizures from detained individuals or third parties.

In any civil action arising from compliance with a detainer, the United States government would be named as the defendant in suits regarding compliance. This legislation would include a bad faith exemption, excluding the immunity and defendant provisions from applying to those that mistreat an individual for the purpose of providing detention.

This legislation would provide a private right of action to an individual and their spouse, parent, or child, who is a victim of murder, rape or other felony by an alien who has been convicted and imprisoned for at least one year, against a state or jurisdiction who released the alien from custody prior to their commission of the crime, failing to carry out a detainer order. Actions must be brought within ten years of the later of the occurrence of the crime, or the death of a person as a result of the crime.

This legislation would include text referred to as Sarah and Grant's Law, which would provide for the mandatory detention of an illegal alien that has been convicted one or more times of driving under the influence. It would also provide for the mandatory detention of an alien in removal proceedings if they were arrested or charged with a crime that resulted in the bodily injury or death of an individual, if the alien is illegally in the U.S., removable after a revoked visa, or is removable due to noncompliance with terms of a visa. Certain aliens would only be eligible for bond if they could establish by clear and convincing evidence that they are neither a flight risk nor a danger to a person or the community.

This legislation stems from the murder of Kate Steinle in San Francisco. The perpetrator of the murder had been convicted of numerous felonies and had been deported five times. In [January](#), a San Francisco judge held that San Francisco was not liable for Kate Steinle's murder, despite releasing her murderer, Juan Francisco Lopez-Sanchez, when there were federal requests to continue his detention.

A section-by-section can be found [here](#).

### **COMMITTEE ACTION:**

H.R. 3003 was introduced on June 22, 2017 and was referred the House Committee on the Judiciary.

**ADMINISTRATION POSITION:**

A Statement of Administration Policy can be found [here](#).

**CONSTITUTIONAL AUTHORITY:**

According to the sponsor, Congress has the power to enact this legislation pursuant to the following: Clause 4 of Section 8 of Article I--The Congress shall have the Power to establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States. Clause 1 of Section 8 of Article I--The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States.

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