

Tillis Introduces Bill Allowing Citizens To Sue Over Immigration Sanctuary Policies

By Donna Martinez

Tuesday, 30 July 2019 09:13 - Last Updated Tuesday, 30 July 2019 09:16

Senator Thom Tillis (R-NC) introduced the Justice for Victims of Sanctuary Cities Act, legislation that holds sanctuary jurisdictions accountable for failing to comply with lawful detainer and release notification requests made by federal authorities and jeopardizing public safety. Joining Tillis as original co-sponsors are Senators Lindsey Graham (R-SC), Chuck Grassley (R-IA), Joni Ernst (R-IA), Marsha Blackburn (R-TN), and Ted Cruz (R-TX). The legislation creates a private right of civil action for the victims of sanctuary jurisdictions, allowing them to bring an action for compensatory damages against the sanctuary jurisdiction as a result of a violent crime committed by an illegal immigrant. Any sanctuary city or jurisdiction that refuses to waive its immunity as it relates to sanctuary-related civil action would be subject to the withholding of certain Community Development Block Grant (CDBG) funding.

The Justice for Victims of Sanctuary Cities Act is a direct response to a growing number of sanctuary jurisdictions across the nation (including North Carolina's Buncombe, Cumberland, Durham, Forsyth, Guilford, Mecklenburg, and Wake Counties) that either have official sanctuary policies or are refusing to comply with detainer requests and release notifications from the Department of Homeland Security.

Earlier this month, the Mecklenburg County (NC) Sheriff's Office refused to notify ICE and comply with a lawful detainer request when it released a dangerous illegal immigrant from county jail who was charged with multiple domestic violence charges for strangling a woman and threatening to kill her. This was only one of more than 20 troubling instances this year of the Mecklenburg County Sheriff's Office releasing potentially dangerous individuals after refusing to comply with detainer requests. The reckless sanctuary policy prompted criticism from the U.S. Attorney for the Western District of North Carolina.

"It's disturbing to see sheriffs across North Carolina establish sanctuary jurisdictions, releasing dangerous individuals back into communities while refusing to notify federal immigration officials," said Senator Thom Tillis. "If politicians want to prioritize reckless sanctuary policies over public safety, they should also be willing to provide just compensation for the victims. The Justice for Victims of Sanctuary Cities Act is commonsense legislation that will enhance public safety and hold sanctuary jurisdictions accountable for their refusal to cooperate with federal law enforcement."

"A good piece of legislation that is long overdue," said Senator Lindsey Graham. "There must be consequences for governments and entities that gamble with public safety, refuse to work with federal officials, and refuse to deal with felons here illegally. This legislation empowers individuals who are the victims of these entities and governments' poor decisions."

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“If state and local public officials jeopardize the safety and security of the American people by refusing to comply with federal immigration law, they should be held to account by our citizens when such reckless endangerment leads to more violent crime,” said Senator Chuck Grassley. “We are a nation of laws. Whether you are a citizen, immigrant or even a local government, disregarding those laws should carry consequences.”

“Sanctuary jurisdictions are failing to cooperate with law enforcement authorities, jeopardizing the safety of our communities,” said Senator Joni Ernst. “This is a serious problem that needs to be addressed. Our commonsense bill will put a check on these sanctuary jurisdictions, provide a pathway for victims of crimes committed by illegal immigrants to seek justice, and enhance and promote public safety.”

“Our nation’s laws exist for a reason. When a sanctuary city or state recklessly decides to harbor illegal immigrants who may commit crimes against innocent Americans, the families of those victims deserve the right to seek compensation from those jurisdictions,” said Senator Marsha Blackburn. “It’s time we put the public safety of our citizens above the sanctuary of an immigrant who has come to our country illegally.”

“The American people, and Texas communities in particular, are tired of seeing our federal immigration laws flouted and criminal illegal immigrants enabled to commit future crimes and escape prosecution,” said Senator Ted Cruz. “Sanctuary cities and their policies are a dangerous affront to the rule of law, and only exasperate the crisis at our border. I am proud to join my colleagues in holding these jurisdictions accountable, and will continue working to enforce our federal immigration laws and ensure the safety and security of the American people.”

Major provisions of the Justice for Victims of Sanctuary Cities Act of 2019

Defining a “Sanctuary Jurisdiction”

The legislation defines a sanctuary jurisdiction as any state or political subdivision (including a county or city) that has a statute, ordinance, policy, or practice that restricts a government official or entity from receiving or maintaining information about the immigration status of an individual, including refusing to comply with lawful detainer requests made by DHS or the

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notification of the release of an illegal immigrant. A jurisdiction would not be deemed a “sanctuary jurisdiction” based solely on policies where officials do not share information or comply with detainers for illegal immigrants who come forward as a victim or a witness to a criminal offense.

Establishing civil action for the victims or family members of crimes committed by illegal immigrants benefitting from a sanctuary policy

The legislation establishes a private right of action for any individual, spouse, or child who is a victim a violent crime or felony that was a result of a sanctuary jurisdiction failing to comply with a lawful request made by the Department of Homeland Security and refused to comply with a detainer or notify DHS about the release of an illegal immigrant.

Withholding grant funding for jurisdictions that refuse to comply with lawful requests

The legislation requires any state or political subdivision of a state to waive immunity as it relates to sanctuary-related civil action as a condition of receiving Community Development Block Grant funds (CDBG) and certain Economic Development Administration grants. The failure to waive immunity on sanctuary-related civil action will result in the withholding of grants for public works, grants related to planning administrative expenses, and grants for training, research, and technical assistance.