



POSITION ON PROPOSED LEGISLATION

BILL: SB 197 – Correctional Facilities – Individual Subject to Immigration Detainer – Homeland Security Notification

POSITION: OPPOSE

DATE: January 30, 2020

This bill would require expenditure of local and state fiscal and personnel resources to enforce federal law, without reimbursement.

An immigration detainer does not have the legal authority of a federal or state detainer that is issued as a result of criminal process by a judge. Immigration detainers are issued by ICE agents – essentially a police officer. ICE sometimes issues a paper with the label “warrant” at the top. It is not a judicial warrant. It is signed by an ICE agent. Putting the word “warrant” on the top does not give it more legal authority.

Participation by local officials in ICE enforcement activities undermines law enforcement’s efforts to build community trust and results in community members not cooperating with law enforcement.