

Testimony SB 197/SB 332
Thursday, January 30, 2020

Bill Synopsis: Requiring a State or local correctional facility notified by US Dept. of Homeland Security that an individual is subject to an immigration detainer to provide notice to US DHS at least 72 hours before the individual is released from the facility if the individual is charged with or convicted of a crime of violence or violation of Title 9, subsection 8 of the Criminal Law. If individual is subject of criminal warrant the state/local correctional facility may maintain custody for up to 48 hours beyond release time for US DHS to assume custody

Article I, Section 8, US Constitution

The Congress shall have Power... to provide for the common defense *and general welfare of the United States...To establish an uniform Rule of Naturalization...* throughout the United States (emphasis added).

Article VI, US Constitution

...This Constitution and the Laws of the United States which shall be made in Pursuance thereof... *shall be the supreme Law of the Land...* The Senators and Representatives before mentioned, and the Members of the several State Legislatures... both of the United States and the several States, shall be bound by Oath or Affirmation, to support this Constitution... (emphasis added).

The Constitution and Immigration

The U.S. Constitution:

- ✓ is the supreme law of the United States of America.
- ✓ is invested with power to ensure the general welfare of the United States.
- ✓ gives the Federal government sole jurisdiction over immigration law.
- ✓ requires elected officials to bind themselves by oath or affirmation to the stipulations of the Constitution.

SB 197/SB 332 Helps Elected Officials Protect the General Welfare

The State providing notice of its custody of a violent criminal, who is not even a legal citizen, to the Federal government for appropriate action enables State elected officials to keep their oath to support the Constitution's requirement that the general welfare of U.S. citizens be protected.

Protection of U.S. Citizens Should Never Be Partisan

Criminal behavior is never a partisan issue. People go to prison regardless of whether they are Democrats or Republicans.

Enforcing laws that protect the general welfare of citizens is also not a partisan issue. It is a Constitutional issue, and it is the government's obligation to its citizens.

For these law-abiding and common-sense reasons, I urge you to support SB 197/SB 332.