



## Texas S.B. 4 Penalizes Law Enforcement Efforts to Gain Trust of Immigrants

*(updated as of May 7, 2017)*

[Senate Bill \(S.B.\) 4](#) provides civil and criminal penalties for cities, counties, law enforcement agencies and university police departments in Texas who have or implement new policies that build trust with immigrant communities. The Texas Senate [passed](#) S.B. 4 on February 8, 2017 by a 20-10 vote, while the Texas House [passed](#) the bill on April 27, 2017 by a 94-53 vote. Governor Greg Abbott (R - Texas) [signed](#) S.B. 4 on May 7, 2017.

### Top Points

- S.B. 4 hurts local law enforcement's ability to do their job by interfering with their ability to create trusting relationships with immigrant communities by conflating the role of law enforcement and federal immigration.
- S.B. 4 forces local jurisdictions to dedicate scarce resources to do a job that should be done and funded by the federal government.
- S.B. 4 penalizes jurisdictions, law enforcement officers, and elected officials with harsh civil and criminal penalties for not performing federal immigration activities.

### What Does S.B. 4 Do?

1. **Forces Local Law Enforcement to Enforce Federal Immigration Law:** S.B. 4 forces local jurisdictions to honor a Federal immigration detainer – which is an Immigration and Customs Enforcement (ICE) request to hold the person in a local jail beyond the person's scheduled release. Federal immigration detainees are not usually accompanied by a warrant, a judicial order or probable cause determination. Accordingly, multiple federal courts have questioned their legality, and in some cases have found they violated the Constitution, resulting in local jurisdictions facing significant legal liability for honoring a detainer.
2. **Conflates the Role of Local Law Enforcement with Federal Immigration Enforcement:** S.B. 4 bans local jurisdictions from establishing formal or informal policies prohibiting or discouraging local law enforcement from inquiring about the immigration status of a person detained or under arrest, sending the information to or requesting the information from federal agencies such as ICE, and assisting or cooperating with federal immigration officers, even when enacting policies such as not asking for immigration status of an individual stopped unless they pose a serious public safety threat, in order to promote trust in immigrant communities. In addition, the bill prohibits local jurisdictions from endorsing any policies that limit their involvement in enforcing federal immigration laws.

Through these policies, S.B. 4 hurts law enforcement's relationship with local immigrant communities by conflating the roles of federal immigration authorities and local law enforcement. Continued partnerships between law enforcement agencies and federal authorities are essential in making communities safer. However, as five Texas Sheriffs [noted](#) on April 18, 2017, S.B. 4's provisions requiring local law enforcement to act as

federal immigration officers would make unauthorized immigrants, their families and other community members fearful of interacting with law enforcement because they would not want to be exposed to the risk of deportation.

3. **Imposes Fines of up to \$25,500:** S.B. 4 makes local entities subject to a civil fine of \$1,000 to \$1,500 for the first violation, and \$25,000 to \$25,500 for each subsequent violation if they enact policies that promote trust in immigrant communities, such as having a policy not to ask about immigration status for traffic violations. The bill considers “each day” that local entities implement such a policy a “separate violation.” S.B. 4’s fines could take away resources for local entities that would otherwise be used to keep their communities safe and secure.
4. **Establishes Criminal Offenses and Removal from Office:** Under S.B. 4, an elected or appointed official who decides to limit a jurisdiction’s involvement with federal immigration officers is subject to a Class A misdemeanor criminal offense and could result in the official being jailed for up to a year. In addition, the bill establishes a civil process to remove from office any elected or appointed official who is found to limit their jurisdiction’s involvement in federal immigration law. A local law enforcement official who does not honor an ICE detainer request because he or she believes it violates the Constitution should not be subject to a misdemeanor and removal from office for doing what they believe is best for their community.

For more information about the negative impacts of S.B. 4 in Texas communities, please read the following testimonies by [Harris County Sheriff Ed Gonzalez](#), [C. LeRoy Cavazos of the San Antonio Hispanic Chamber of Commerce](#), the [Texas Border Coalition](#), Pastor [Tim Moore](#) of the Walk Worthy Baptist Church, [Texas Association of Counties](#) and [Bishop Vasquez](#) and [Michael Barba](#) from the Texas Catholic Conference of Bishops. Also, see the National Immigration Forum’s post [Five Things to Know about Texas’ S.B. 4](#) and a [chart](#) comparing Texas S.B. 4 to Arizona’s S.B. 1070 passed in 2010, which required law enforcement officers to inquire about the immigration status of anyone they suspected to be in the country without authorization and was eventually struck down by the Supreme Court of the United States.