



NATIONAL IMMIGRATION FORUM

Summary of the “No Sanctuary for Criminals Act” (H.R. 3003)

On June 23, Rep. Bob Goodlatte (R-Virginia) introduced the “No Sanctuary for Criminals Act” ([H.R. 3003](#)), a sweeping immigration enforcement bill that would have a dramatic impact on interior immigration enforcement in the United States. Cosponsored by Reps. Steve King (R-Iowa) and Andy Biggs (R-Arizona), H.R. 3003 would require jurisdictions to honor immigration detainers, bars jurisdictions from adopting or maintaining community trust policies, and expands mandatory detention for a broad cross-section of immigration violators.

What Does H.R. 3003 Do?

Overhauls federal statutes governing U.S. Immigration and Customs Enforcement (ICE) immigration detainers. H.R. 3003 would require that state and local law enforcement agencies enforce federal immigration detainers, which [courts](#) and [the federal government](#) have acknowledged to be voluntary.

The bill would immunize states and localities from civil liability for good-faith enforcement of detainers, but does not address the 4th Amendment problems behind detaining people in the absence of a warrant or probable cause determination.

The bill also creates a private right of action for victims of felony offenses and their families that would allow them to sue jurisdictions that do not honor detainers, where the perpetrator of the crime was the subject of the detainer that was not honored.

H.R. 3003 would prohibit jurisdictions from maintaining or adopting community trust policies that restrict officers from inquiring about the immigration or citizenship status of individuals. It would redefine existing requirements under [8 U.S.C. 1373](#) that state and local law enforcement share a narrow category of information with federal immigration authorities. Instead the bill would seek to compel states and localities to carry out immigration enforcement, which have traditionally been the responsibility of the federal government.

H.R. 3003 expands mandatory detention of immigration violators. The bill would significantly expand the categories of offenses triggering mandatory detention, including all those with driving-while-intoxicated offenses, with no exception for decades-old violations. All those covered under this provision are subject to mandatory detention with no limitation on the time they can be held, no opportunity to receive bond, and limited avenues to seek relief.

Why H.R. 3003 Would Hurt Communities

H.R. 3003 raises [significant constitutional concerns](#). By compelling state and local law officers to carry out a federal enforcement program by honoring ICE immigration detainers, H.R. 3003 is in tension with an “anti-commandeering” principle articulated by the U.S. Supreme Court,

which the Court [has found](#) to be inherent under our federalist system and the 10th Amendment. Additionally, H.R. 3003 raises serious 4th Amendment concerns by not requiring a probable cause finding by a neutral magistrate and lowering the bar for what constitutes probable cause, in violation of longstanding legal precedent.

Under H.R. 3003, law enforcement agencies and elected officials would be barred from creating or maintaining policies that emphasize community trust. The bill attempts to force state and local law enforcement to divert limited resources away from existing public safety threats, instead focusing them towards immigration enforcement. It limits the ability of law enforcement leaders and elected officials to establish clear policies and set priorities, instead yielding to an enforcement-heavy one-size-fits-all approach set in Washington, D.C.

H.R. 3003 puts states and localities at risk of losing important funding, including crucial law enforcement funding. States or localities found to be in violation of H.R. 3003 stand to lose broad categories of federal grants relating to law enforcement, terrorism, national security, or immigration or naturalization, including the State Criminal Alien Assistance Program (SCAAP), Community Oriented Policing Services (COPS), and the Edward Byrne Memorial Justice Assistance Grant (JAG) Program (Byrne/JAG). Conditioning grants in this manner may be in tension with court decisions limiting the federal government from compelling state and local jurisdictions to carry out federal priorities.

The mandatory detention provisions of H.R. 3003 are costly and do little to help public safety. In tension with Supreme Court guidance that places limits on the length of detention for immigration detention, the bill permits detention of individuals “without time limitations.” Currently, significant numbers of immigration violators who have committed serious offenses are subject to mandatory detention. These provisions expand the number of individuals subject to mandatory detention to cover additional people with relatively minor violations or violations in the distant past. These provisions would be [incredibly costly](#) while doing little to improve public safety.