



## **Bill Summary: Justice for Victims of Sanctuary Cities Act of 2019**

The Justice for Victims of Sanctuary Cities Act of 2019, ([S. 2059](#)) would create a new private right of action for victims of felonies against jurisdictions with “sanctuary policies.” Under the bill, victims would be able to sue if they were harmed by an immigrant perpetrator committing a felony in situations where the victim would not have been harmed but for the existence of a “sanctuary policy.” Senator Thom Tillis (R-North Carolina) introduced the Act on July 9, 2019

### **Defining “Sanctuary Jurisdiction” Under Federal Law**

Federal law currently does not define “sanctuary jurisdiction.” The Justice for Victims of Sanctuary Cities Act of 2019 would define a “sanctuary jurisdiction” as any state or locality with a policy that prohibits or restricts:

- (1) Sending, receiving, maintaining or exchanging of information concerning the citizenship or immigration status of an individual with a federal, state or local government entity, or
- (2) Complying with Department of Homeland Security (DHS) requests under 8 U.S.C. §§ [1226](#) and [1357](#), including immigration detainers and notifications of release.

The bill would provide an exception for policies that limit information sharing or detainer compliance relating to someone who comes forward as a victim or witness to a crime.

### **Enabling Sanctuary Related Lawsuits**

The bill would create a new federal cause of action – “sanctuary-related civil action” – for victims – or their surviving family members - of a rape, murder or any felony perpetrated by an undocumented immigrant. They would be able to bring an action for compensatory damages against states or localities that failed to honor lawful requests from DHS regarding the undocumented immigrant perpetrator. These requests could include immigration detainers or notification requests from DHS concerning the impending release of immigrant perpetrators. Prevailing plaintiffs may also recover reasonable attorney fees under the bill. The bill would provide for a 10-year statute of limitations.

### **Allowing States and Localities to be Sued by Individuals**

The Eleventh Amendment of the Constitution has [long been interpreted](#) by the U.S. Supreme Court as preventing individuals from suing states in federal court without their permission. To ensure that plaintiffs can collect damages from states and localities in sanctuary-related lawsuits, the bill would require states and their political subdivisions to consent to being sued as a condition of accepting specified federal grants, including grants relating to economic development such as public works and community development block grants.

## **Making the Federal Government Liable for Fourth Amendment Violations**

Federal court decisions have generally held that immigration detainer requests are voluntary, and that, accordingly, states and localities may face [legal liability](#) when they honor a detainer that does not comply with the Fourth Amendment of the Constitution. This bill attempts to avert this kind of potential legal liability by defining local law enforcement officers as DHS agents when they honor immigration detainers. This would shift liability onto the federal government and away from states, localities, and local officials who honor immigration detainers to encourage state and local compliance with federal requests.