

The Mercury News

Sweeping immigration enforcement legislation passes House committee

Casey Tolan

May 26, 2017

Republicans in the House of Representatives are moving forward with sweeping immigration legislation that would crack down on sanctuary cities, hire thousands of new armed immigration officers and help facilitate President Donald Trump's plans to deport undocumented residents. The wide-ranging bill was approved this week by the House Judiciary Committee, with all 19 Republicans on the committee supporting it and all 13 Democrats opposing it.

Among a long list of other provisions, HR 2431 would transform an undocumented immigrant's presence in the U.S. from a civil violation to a criminal misdemeanor. It would essentially "turn millions of Americans into criminals overnight," Rep. Jerrold Nadler, a New York Democrat, said at a hearing last week.

"Being alive would be a misdemeanor," Rep. Zoe Lofgren, D-San Jose, the ranking Democrat on the Judiciary Committee, said in an interview. "I can't recall an immigration bill that was more extreme."

The bill is named after two Sacramento-area law enforcement officers, Danny Oliver and Michael Davis Jr., who were fatally shot by an undocumented immigrant in 2014. Lofgren, arguing that it didn't honor their legacy, introduced an amendment to rename the bill the "Trump Mass Deportation and Child Incarceration Act," but she eventually pulled the amendment. "It's not hyperbole to say that it is one of the most anti-immigrant bills to be marked out of the Judiciary Committee in the history of the nation," said Jose Magaña-Salgado, an attorney at the San Francisco-based Immigrant Legal Resource Center. "This legislation represents a grab bag of all the destructive things that can make our immigration system even worse."

But supporters of the bill said it was important to help U.S. Immigration and Customs Enforcement — better known as ICE — enforce America's immigration laws.

“The Davis-Oliver Act is a first and necessary step to modernize a broken immigration system,” Rep. Raúl Labrador, R-Idaho, the bill’s sponsor, said in a statement. “We need to give law enforcement at all levels the tools and resources they need to keep America safe and secure.” The bill would also make it against the law for local jurisdictions to refuse to comply with requests from ICE to hold immigrants in local jails, in an attempt to eliminate “sanctuary” policies like those taken up by many Bay Area cities and counties. It would withhold federal funding from sanctuary cities, essentially giving legal backing to a Trump administration executive order to do the same.

A federal judge stayed Trump’s executive order last month after San Francisco and Santa Clara County sued. The bill would attempt to get around the legal issue, creating a statutory backing for the administration’s threat. It also would allow victims of crimes committed by immigrants released from jails to sue cities and counties that refused to hold the perpetrators.

The House bill also calls for hiring 12,500 new ICE officers, and would issue them body armor and firearms. “What it provides for is really having people go door-to-door with assault weapons,” Lofgren said. “There are elements of it that I think are inconsistent with a free society.”

In addition, the bill would allow local jurisdictions to enforce immigration law. Currently, some cities and counties are allowed to do so through individual agreements with the federal government, but the bill would broaden that.

“I find that very worrisome,” said Stephen Legomsky, an immigration law professor at Washington University in St. Louis. “State and local police are very rarely trained in the intricacies of immigration law. It’s incredibly complicated, and my guess is that they’ll be making lots of arrests of people based on factors that are inappropriate. It will probably lead to more racial profiling.”

Those provisions could have a big impact on California, especially if the state Legislature this year passes a bill making California a “sanctuary state” and prohibiting state and local law enforcement from using resources for immigration enforcement.

More than 200 civil rights organizations, from the ACLU to the libertarian Cato Institute, have signed onto a letter opposing the bill.

The bill has not yet been set for a vote before the full House. The office of House Majority Leader Kevin McCarthy did not respond to a request for comment on Friday afternoon about when a vote might take place.

Even if the bill passes the House, where Republicans have a sizable majority, it would face an uphill battle in the Senate, where it would need 60 votes to overcome a Democratic filibuster. Versions of the bill — which was previously known as the SAFE Act — also passed the House Judiciary Committee in 2013 and 2015. One version of the bill was introduced in the Senate in 2015 by then-Sen. Jeff Sessions, R-Alabama, who is now the U.S. attorney general. Trump endorsed an earlier version of the bill during a campaign speech in 2016.

Davis, a Placer County sheriff's detective, and Oliver, a Sacramento County sheriff's deputy, were shot and killed in October 2014, allegedly by Luis Enrique Monroy-Bracamonte, an undocumented immigrant who had been previously deported from the United States twice. He is scheduled to go to trial later this year.

The widows of the two men were guests at Trump's address to Congress earlier this year. In 2015, Susan Oliver, Oliver's widow, wrote a letter to the Senate Judiciary Committee in support of legislation to crack down on sanctuary cities.

"I do not want your sympathy," she wrote. "I want change so others will not have to endure the grief we have in our lives every day."

NEW IMMIGRATION BILL

Here are some of the provisions of the Michael Davis Jr. and Danny Oliver in Honor of State and Local Law Enforcement Act:

Cuts federal funding for "sanctuary cities" that refuse to honor ICE detainer requests.

Hires 12,500 new ICE agents and issues them body armor and firearms.

Allows local law enforcement agencies to enforce federal immigration law.

Makes it easier to keep immigrants in detention centers.

Makes being undocumented in America a federal misdemeanor rather than a civil violation.