

117TH CONGRESS
1ST SESSION

S. 59

To provide a civil remedy for individuals harmed by sanctuary jurisdiction policies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 27, 2021

Mr. TILLIS (for himself, Mr. GRASSLEY, Ms. ERNST, Mr. CRUZ, Mr. INHOFE, Mrs. HYDE-SMITH, Mr. ROUNDS, Mrs. CAPITO, Mr. RUBIO, Mr. LEE, Mr. DAINES, Mr. HAWLEY, and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide a civil remedy for individuals harmed by sanctuary jurisdiction policies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Justice for Victims
5 of Sanctuary Cities Act of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) SANCTUARY JURISDICTION.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), the term “sanctuary juris-
3 diction” means any State or political subdivi-
4 sion of a State that has in effect a statute, ordi-
5 nance, policy, or practice that prohibits or re-
6 stricts any government entity or official from—

7 (i) sending, receiving, maintaining, or
8 exchanging with any Federal, State, or
9 local government entity information re-
10 garding the citizenship or immigration sta-
11 tus of any alien; or

12 (ii) complying with a request lawfully
13 made by the Department of Homeland Se-
14 curity under section 236 or 287 of the Im-
15 migration and Nationality Act (8 U.S.C.
16 1226 and 1357) to comply with a detainer
17 for, or notify about the release of, an alien.

18 (B) EXCEPTION.—A State or political sub-
19 division of a State shall not be deemed a sanc-
20 tuary jurisdiction based solely on having a pol-
21 icy whereby its officials will not share informa-
22 tion regarding, or comply with a request made
23 by the Department of Homeland Security under
24 section 236 or 287 of the Immigration and Na-
25 tionality Act (8 U.S.C. 1226 and 1357) to com-

1 ply with a detainer regarding, an alien who
 2 comes forward as a victim or a witness to a
 3 criminal offense.

4 (2) SANCTUARY POLICY.—The term “sanctuary
 5 policy” means a statute, ordinance, policy, or prac-
 6 tice referred to in paragraph (1)(A).

7 (3) SANCTUARY-RELATED CIVIL ACTION.—The
 8 term “sanctuary-related civil action” means a civil
 9 action brought against a sanctuary jurisdiction by
 10 an individual (or the estate, survivors, or heirs of an
 11 individual) who—

12 (A) is injured or harmed by an alien who
 13 benefitted from a sanctuary policy of the sanc-
 14 tuary jurisdiction; and

15 (B) would not have been so injured or
 16 harmed but for the alien receiving the benefit of
 17 such sanctuary policy.

18 **SEC. 3. CIVIL ACTION FOR HARM BY AN ALIEN THAT BENE-**
 19 **FITTED FROM A SANCTUARY POLICY.**

20 (a) PRIVATE RIGHT OF ACTION.—

21 (1) CAUSE OF ACTION.—Any individual, or a
 22 spouse, parent, or child of such individual (if the in-
 23 dividual is deceased or permanently incapacitated),
 24 who is the victim of a murder, rape, or any felony
 25 (as defined by the State) for which an alien (as de-

1 fined in section 101(a)(3) of the Immigration and
 2 Nationality Act (8 U.S.C. 1101(a)(3))) has been ar-
 3 rested, convicted, or sentenced to a term of impris-
 4 onment of at least 1 year, may bring an action for
 5 compensatory damages against a State or a political
 6 subdivision of a State in the appropriate Federal or
 7 State court if the State or political subdivision failed
 8 to comply with—

9 (A) a request with respect to an alien that
 10 was lawfully made by the Department of Home-
 11 land Security under section 236 or 287 of the
 12 Immigration and Nationality Act (8 U.S.C.
 13 1226 and 1357); and

14 (B) a detainer for, or notify about the re-
 15 lease of, the alien.

16 (2) STATUTE OF LIMITATIONS.—An action
 17 brought under this subsection may not be brought
 18 later than 10 years after the occurrence of the
 19 crime, or death of a person as a result of such
 20 crime, whichever occurs later.

21 (3) ATTORNEY’S FEE AND OTHER COSTS.—In
 22 any action or proceeding under this subsection the
 23 court shall allow a prevailing plaintiff a reasonable
 24 attorney’s fee as part of the costs, and include ex-
 25 pert fees as part of the attorney’s fee.

1 (b) WAIVER OF IMMUNITY.—

2 (1) IN GENERAL.—Any State or political sub-
3 division of a State that accepts a grant described in
4 paragraph (2) from the Federal Government shall
5 agree, as a condition of receiving such grant, to
6 waive any immunity of such State or political sub-
7 division relating to a sanctuary-related civil action.

8 (2) GRANTS DESCRIBED.—The grants described
9 in this paragraph are—

10 (A) a grant for public works and economic
11 development under section 201(a) of the Public
12 Works and Economic Development Act of 1965
13 (42 U.S.C. 3141(a));

14 (B) a grant for planning and administra-
15 tive expenses under section 203(a) of such Act
16 (42 U.S.C. 3143(a));

17 (C) a supplemental grant under section
18 205(b) of such Act (42 U.S.C. 3145(b));

19 (D) a grant for training, research, and
20 technical assistance under section 207(a) of
21 such Act (42 U.S.C. 3147(a)); and

22 (E) except as provided in paragraph (3), a
23 community development block grant made pur-
24 suant to title I of the Housing and Community

1 Development Act of 1974 (42 U.S.C. 5301 et
2 seq.).

3 (3) EXCEPTION.—Grants described in para-
4 graph (2)(E) shall not include any disaster relief
5 grants to address the damage in an area for which
6 the President has declared a disaster under title IV
7 of the Robert T. Stafford Disaster Relief and Emer-
8 gency Assistance Act (42 U.S.C. 5170 et seq.).

9 **SEC. 4. ENSURING COOPERATION BETWEEN FEDERAL AND**
10 **LOCAL LAW ENFORCEMENT OFFICERS TO**
11 **SAFEGUARD OUR COMMUNITIES.**

12 (a) AUTHORITY TO COOPERATE WITH FEDERAL OF-
13 FICIALS.—A State, a political subdivision of a State, or
14 an officer, employee, or agent of such State or political
15 subdivision that complies with a detainer issued by the De-
16 partment of Homeland Security under section 236 or 287
17 of the Immigration and Nationality Act (8 U.S.C. 1226
18 and 1357)—

19 (1) shall be deemed to be acting as an agent of
20 the Department of Homeland Security; and

21 (2) shall comply with section 287(d) of the Im-
22 migration and Nationality Act (8 U.S.C. 1357(d))
23 and section 287.5(d) of title 8, Code of Federal Reg-
24 ulations.

1 (b) LEGAL PROCEEDINGS.—In any legal proceeding
2 brought against a State, a political subdivision of State,
3 or an officer, employee, or agent of such State or political
4 subdivision challenging the legality of the seizure or deten-
5 tion of an individual pursuant to a detainer issued by the
6 Department of Homeland Security under section 236 or
7 287 of the Immigration and Nationality Act (8 U.S.C.
8 1226 and 1357)—

9 (1) the State or political subdivision of a State
10 shall not be liable for any action taken in accordance
11 with the detainer; and

12 (2) if the actions of the officer, employee, or
13 agent of the State or political subdivision were taken
14 in accordance with the detainer—

15 (A) the officer, employee, or agent shall be
16 deemed—

17 (i) to be an employee of the Federal
18 Government and an investigative or law
19 enforcement officer; and

20 (ii) to have been acting within the
21 scope of his or her employment under sec-
22 tion 1346(b) of title 28, United States
23 Code, and chapter 171 of such title;

1 (B) section 1346(b) of title 28, United
2 States Code, shall provide the exclusive remedy
3 for the plaintiff; and

4 (C) the United States shall be substituted
5 as defendant in the proceeding.

6 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion may be construed to provide immunity to any person
8 who knowingly violates the civil or constitutional rights of
9 an individual.

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