

118TH CONGRESS
2D SESSION

S. 3927

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

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2024

Mr. TILLIS (for himself, Mr. BUDD, Mr. SCOTT of South Carolina, Mr. RICKETTS, Mr. DAINES, Mr. CRUZ, Mr. ROUNDS, Mr. CRAMER, Mr. COTTON, Mr. MARSHALL, Mr. CASSIDY, and Mr. GRAHAM) 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 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ALIEN.—The term “alien” has the meaning
2 given such term in section 101(a)(3) of the Immi-
3 gration and Nationality Act (8 U.S.C. 1101(a)(3)).

4 (2) SANCTUARY JURISDICTION.—

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

11 (i) sending, receiving, maintaining, or
12 exchanging with any Federal, State, or
13 local government entity information re-
14 garding the citizenship or immigration sta-
15 tus of any alien; or

16 (ii) complying with a request lawfully
17 made by the Department of Homeland Se-
18 curity under section 236 or 287 of the Im-
19 migration and Nationality Act (8 U.S.C.
20 1226 and 1357) to comply with a detainer
21 for, or notify about the release of, an alien.

22 (B) EXCEPTION.—A State or political sub-
23 division of a State shall not be deemed a sanc-
24 tuary jurisdiction based solely on having a pol-
25 icy whereby its officials will not share informa-

tion regarding, or comply with a request made by the Department of Homeland Security under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226 and 1357) to comply with a detainer regarding, an alien who comes forward as a victim or a witness to a criminal offense.

(3) SANCTUARY POLICY.—The term “sanctuary policy” means a statute, ordinance, policy, or practice referred to in paragraph (2)(A).

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

(A) is injured or harmed by an alien who benefitted from a sanctuary policy of such sanctuary jurisdiction; and

(B) would not have been so injured or harmed if such alien had not been so benefitted.

SEC. 3. CIVIL ACTION FOR HARM BY AN ALIEN THAT BENEFITTED FROM A SANCTUARY POLICY.

(a) PRIVATE RIGHT OF ACTION.—

(1) CAUSE OF ACTION.—Any individual, or a spouse, parent, or child of such individual (if the in-

1 dividual is deceased or permanently incapacitated),
2 who is the victim of a murder, rape, or any felony
3 (as defined by the State in which the crime oc-
4 curred) for which an alien has been arrested, con-
5 victed, or sentenced to a term of imprisonment of at
6 least 1 year, may bring an action for compensatory
7 damages against a State or a political subdivision of
8 a State, in the appropriate Federal or State court,
9 if such State or political subdivision failed—

10 (A) to comply with a request with respect
11 to an alien that was lawfully made by the De-
12 partment of Homeland Security pursuant to
13 section 236 or 287 of the Immigration and Na-
14 tionality Act (8 U.S.C. 1226 and 1357); and

15 (B)(i) to comply with a detainer for such
16 alien; or

17 (ii) to notify the Department about the re-
18 lease of such alien.

19 (2) STATUTE OF LIMITATIONS.—An action de-
20 scribed in paragraph (1) may not be brought later
21 than 10 years after the later of—

22 (A) the occurrence of the crime referred to
23 in paragraph (1); or

24 (B) the death of a person that resulted
25 from such crime.

1 (3) ATTORNEY’S FEE AND OTHER COSTS.—In
2 any action or proceeding under paragraph (1), the
3 court shall allow a prevailing plaintiff to recover a
4 reasonable attorney’s fee as part of the costs of the
5 litigation, which shall include any applicable expert
6 fees.

7 (b) WAIVER OF IMMUNITY.—

8 (1) IN GENERAL.—Any State or political sub-
9 division of a State that accepts a grant described in
10 paragraph (2) from the Federal Government shall
11 agree, as a condition of receiving such grant, to
12 waive any immunity of such State or political sub-
13 division relating to a sanctuary-related civil action.

14 (2) GRANTS DESCRIBED.—The grants described
15 in this paragraph are—

16 (A) a grant for public works and economic
17 development under section 201(a) of the Public
18 Works and Economic Development Act of 1965
19 (42 U.S.C. 3141(a));

20 (B) a grant for planning and administra-
21 tive expenses under section 203(a) of such Act
22 (42 U.S.C. 3143(a));

23 (C) a supplemental grant under section
24 205(b) of such Act (42 U.S.C. 3145(b));

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

4 (E) except as provided in paragraph (3), a
 5 community development block grant made pur-
 6 suant to title I of the Housing and Community
 7 Development Act of 1974 (42 U.S.C. 5301 et
 8 seq.).

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

15 **SEC. 4. ENSURING COOPERATION BETWEEN FEDERAL AND**
 16 **LOCAL LAW ENFORCEMENT OFFICERS TO**
 17 **SAFEGUARD OUR COMMUNITIES.**

18 (a) AUTHORITY TO COOPERATE WITH FEDERAL OF-
 19 FICIALS.—A State, a political subdivision of a State, or
 20 an officer, employee, or agent of such State or political
 21 subdivision that complies with a detainer issued by the De-
 22 partment of Homeland Security pursuant to section 236
 23 or 287 of the Immigration and Nationality Act (8 U.S.C.
 24 1226 and 1357)—

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

3 (2) shall comply with section 287(d) of the Im-
4 migration and Nationality Act (8 U.S.C. 1357(d))
5 and section 287.5(d) of title 8, Code of Federal Reg-
6 ulations.

7 (b) LEGAL PROCEEDINGS.—In any legal proceeding
8 brought against a State, a political subdivision of State,
9 or an officer, employee, or agent of such State or political
10 subdivision challenging the legality of the seizure or deten-
11 tion of an individual pursuant to a detainer issued by the
12 Department of Homeland Security under section 236 or
13 287 of the Immigration and Nationality Act (8 U.S.C.
14 1226 and 1357)—

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

18 (2) if the actions of the officer, employee, or
19 agent of the State or political subdivision were taken
20 in accordance with the detainer—

21 (A) the officer, employee, or agent shall be
22 deemed—

23 (i) to be an employee of the Federal
24 Government and an investigative or law
25 enforcement officer; and

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

5 (B) section 1346(b) of title 28, United
6 States Code, shall provide the exclusive remedy
7 for the plaintiff; and

8 (C) the United States shall be substituted
9 as the defendant in such proceeding.

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

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