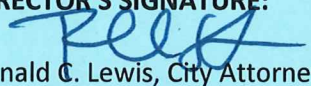


# REQUEST FOR COUNCIL ACTION

<b>TO:</b> Mayor via City Secretary		
<b>SUBJECT:</b> A RESOLUTION IN SUPPORT OF THE CITY OF HOUSTON JOINING THE LITIGATION TO CHALLENGE SENATE BILL 4 (COMMONLY KNOWN AS THE TEXAS SANCTUARY CITIES BILL); CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT.	<b>Page:</b> 1 of 1	<b>Agenda Item:</b>
<b>FROM (Department or other point of origin):</b> Legal Department	<b>Origination Date:</b> June 14, 2017	<b>Agenda Date:</b> June 20, 2017
<b>DIRECTOR'S SIGNATURE:</b>  Ronald C. Lewis, City Attorney	<b>Council District(s) affected:</b>  All	
<b>For additional information contact:</b>  Collyn Peddie, 832-393-6463	<b>Date and Identification of prior authorizing Council Action:</b>  N/A	
<b>RECOMMENDATION (Summary):</b> Adopt a resolution in support of the City of Houston joining the litigation to challenge Senate Bill 4 (commonly known as the Texas Sanctuary Cities Bill).		
<b>Amount and Source of Funding:</b> N/A		
<b>SPECIFIC EXPLANATION:</b>  <p>On May 3, 2017, the Texas legislature approved Senate Bill 4, commonly known as the "Sanctuary Cities Bill" ("SB 4") and Governor Greg Abbott signed SB 4 into law on May 7, 2017. The law goes into effect on September 1, 2017. SB 4 applies to the City of Houston's ("the City's") police department and elected officials. The law prohibits adopting, enforcing or endorsing a policy or a practice that would prohibit or materially limit the enforcement of immigration laws. Under SB4, however, local authorities must permit their officers to investigate the immigration status of every person who is lawfully detained or arrested, except in limited situations. Any person in custody must produce a Texas driver's license or "similar government-issued identification" to avoid extended detention for purposes of an immigration status check. Also under SB4, local authorities must permit their officers to assist or cooperate with federal immigration enforcement activities as is "reasonable or necessary."</p> <p>SB4 contains several enforcement provisions and stiff civil penalties. The law authorizes the State to bring an action to impose fines if any municipal officer or employee fails to comply with SB4. If a municipality does not comply with SB4, it may be subject to fines up to \$25,500 for each day of noncompliance after the first day. If a police chief or sheriff refuses to comply with SB4 by failing to honor a detainer request, he or she is subject to criminal prosecution for a Class A misdemeanor. Worse, if an elected or appointed official refuses to comply with SB4—for example, by endorsing a policy that would limit the enforcement of federal immigration law—he or she will be subjected to a quo warranto proceeding that could result in forfeiture of and removal from such office.</p> <p>In light of SB 4's prohibitions and penalties, several public interest groups and governmental entities (including Austin, San Antonio, El Paso County, and El Cenizo) have challenged SB 4 as unconstitutional in a now consolidated lawsuit, styled <i>City of San Antonio Texas, et al. v. State of Texas, Civil Action No. 5:17-cv-00489</i>, currently pending in the Federal District Court for the Western District of Texas. SB 4 raises many constitutional issues. For example, it violates the First Amendment rights of elected and appointed officials because it chills policy dissent. SB 4 is also so vague as to be constitutionally infirm. The law also authorizes unconstitutional searches, seizures and detentions of United States citizens and Houston residents. SB 4 is also defective because it unlawfully limits the authority of home-rule cities to effectively manage and direct their limited public safety resources so as to protect the public.</p> <p>The Office of the City Attorney recommends joining the litigation to address the constitutional and civil rights of City elected and appointed officials and Houston residents, as well as to protect the authority of the City to effectively manage and direct the limited public safety resources of the City and protect the public.</p>		
<b>Other Authorization:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>