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**SR-22** (2017-2018)

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ENROLLED MARCH 07, 2017

PASSED IN SENATE MARCH 06, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

## SENATE RESOLUTION

**NO. 22**

Introduced by Senator De León

March 06, 2017

Relative to immigration enforcement

### LEGISLATIVE COUNSEL'S DIGEST

SR 22, De León.

WHEREAS, Unfettered and secure public access to educational institutions, health care facilities, government buildings, community gatherings, courthouses, and places of worship is integral to the basic rights and well-being of all Californians; and

WHEREAS, The mere possibility that immigration enforcement activity is taking place at sensitive locations chills the participation in society of immigrants, documented and undocumented alike, as well as their family members, and all who, regardless of their status, may be profiled as immigrants; and

WHEREAS, Despite repeated statements by President Trump that his immigration enforcement efforts would focus on dangerous criminals, he has directed his administration to vastly expand the scope of those to be detained and deported to include nearly all of the three million undocumented immigrants living in California; and

WHEREAS, A child cannot feel safe and secure going to daycare, school, or university when immigration enforcement may take place there at any time; and

WHEREAS, The education of California's youth is of paramount importance and impacts us all; and

WHEREAS, A patient, individual feeling ill, or person seeking testing or preventative care cannot feel safe and secure accessing a hospital, clinic, dental office, or other place of medical care when immigration enforcement may take place there at any time; and

WHEREAS, The health of every Californian is vitally important and impacts us all; and

WHEREAS, An attorney, litigant, or witness cannot feel safe and secure entering a courthouse when immigration enforcement may take place there at any time; and

WHEREAS, Equal justice for all is of the utmost importance, is constitutionally required, and impacts us all; and

WHEREAS, A person of faith cannot feel safe and secure entering a church, mosque, synagogue, temple, or other house of worship when immigration enforcement may take place there at any time; and

WHEREAS, The free exercise of religion is deeply revered and constitutionally required; and

WHEREAS, An individual cannot feel safe and secure openly protesting, speaking at a news conference, attending a rally, going to a public hearing, or approaching a government building when immigration enforcement may take place there at any time; and

WHEREAS, Freedom of expression, freedom of association, and the right to petition the government for redress are critically important and constitutionally required for the health of our democracy; and

WHEREAS, On October 24, 2011, John Morton, then Director of the United States Immigration and Customs Enforcement (ICE) within the United States Department of Homeland Security, issued a policy memorandum directing ICE agents not to conduct immigration enforcement actions at or focused on sensitive locations, such as schools, hospitals, institutions of worship, funerals, weddings, public demonstrations, marches, rallies, and parades, except as authorized; and

WHEREAS, Memoranda released on February 20, 2017, by John Kelly, the current Secretary of Homeland Security, do not contradict and therefore, by their own terms, do not repeal the federal policy limiting immigration enforcement at sensitive locations; and

WHEREAS, Nonetheless, there have been numerous reports since the beginning of President Trump's Administration of ICE agents conducting immigration enforcement arrests in and around those specific sensitive locations; and

WHEREAS, On February 8, 2017, ICE agents arrested a group of people emerging from a Virginia church basement that was operating as a hypothermia shelter for the homeless; and

WHEREAS, On February 9, 2017, security cameras captured video of ICE agents entering a Texas family law courthouse and detaining a domestic violence survivor who was there to obtain a restraining order. In a sworn court statement, the ICE agents indicated that they encountered the woman outside the courthouse; and

WHEREAS, On February 22, 2017, ICE agents entered a Texas hospital and detained for a second time a 26-year-old mother of two who had been diagnosed with a brain tumor just 11 days prior, and tied her at the hands and feet; and

WHEREAS, On March 1, 2017, ICE agents detained a 22-year-old woman who was previously registered with the Deferred Action for Childhood Arrivals (DACA) program, moments after she had publicly spoken about immigration policy at a press conference outside the city hall located in Jackson, Mississippi; and

WHEREAS, The Trump administration has justified its vast expansion of those targeted for deportation by falsely portraying the United States as a country under siege by a flood of undocumented immigrants who threaten public safety, giving rise to anti-immigrant fervor and a nativist desire to preserve our nation's historically dominant Euro-Christian culture; now, therefore, be it

Resolved by the Senate of the State of California, That the Senate calls upon President Trump and Secretary Kelly to publicly and explicitly reaffirm the principles and content of the ICE policy memorandum dated October 24, 2011, regarding enforcement actions at or focused on sensitive locations; and be it further

Resolved, That the Senate calls upon Secretary Kelly to underscore to the public and to all United States Department of Homeland Security personnel that the policy on sensitive locations is not limited to enforcement at the sensitive location, but also to enforcement focused on sensitive locations, and that in other words, waiting across the street from a church or school for people to emerge from the sensitive location violates the policy as much as entering the location itself, as does following someone away from a press conference or other sensitive location so as to detain them; and be it further

Resolved, That the Senate calls upon Secretary Kelly to take affirmative steps, including public commitment to the sensitive locations policy, staff training, investigation or reports of past and future violations of the policy, including, but not limited to, investigating the incidents detailed in this resolution, and pursuing disciplinary action against personnel found to have violated the policy; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Secretary of the Department of Homeland Security, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, and to each Senator and Representative from California in the Congress of the United States.