



SB 369 Prohibiting Sanctuary Cities in Wisconsin

Testimony of Senator Steve Nass

Senate Committee on Labor & Government Reform

February 10, 2016 • 411 South, State Capitol

Thank you committee members for allowing me to testify in support of Senate Bill 369. This legislation will protect law-abiding citizens by prohibiting sanctuary cities in Wisconsin.

On July 1, 2015, Kate Steinle, a 32 year old woman from California, was shot and killed while she was walking on a San Francisco pier with her father. The shooter was Francisco Sanchez, an illegal immigrant and convicted felon who had been previously deported five times. In March 2015, U.S. Immigration and Customs Enforcement (ICE) had Sanchez in custody after he completed a third prison term, but turned him over to the San Francisco sheriff's office on an outstanding drug charge.

ICE issued a detainer requesting notification prior to Sanchez's release so they could take him into custody again. When the district attorney declined to prosecute Sanchez on the drug charges, San Francisco did not honor the detainer because of their sanctuary city policy and he was released from jail and set free. Less than four months later Sanchez opened fire on the San Francisco pier, killing Ms. Steinle. This is just one of many examples of innocent Americans that have been victims of crimes committed by illegal aliens.

Sadly, this violent attack and tragedy could have been prevented if only San Francisco had cooperated with federal immigration officials. There are more than 200 cities and counties across the country that are considered sanctuary cities, according to the Center for Immigration Studies (CIS).

Generally, a sanctuary city is a city, village, town, or county that by ordinance or policy prohibits their employees from cooperating with federal immigration authorities or inquiring into the immigration status of individuals who have been charged with a crime in their local jurisdiction.

SB 369, with the inclusion of Assembly Amendments 1 and 2, would prohibit any city, village, town, or county in the state from enacting or enforcing an ordinance, resolution,

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or policy that would prohibit an employee from inquiring about the immigration status of an individual who has been charged with a crime. The bill also prohibits any policy that prevents a public employee from cooperating with federal officials involved with immigration enforcement.

SB 369 authorizes the attorney general, district attorney, or sheriff with jurisdiction to file a writ of mandamus with the circuit court to require compliance with the requirements created by the bill if a political subdivision is failing to comply with the requirement.

If a court finds that the political subdivision has failed to comply with the law, it must notify the Department of Revenue, and the Department must reduce the local government's shared revenue payments in the next year by \$500 to \$5,000, depending on population, for each day of noncompliance.

The penalty is determined by population as follows:

0 – 10,000 population:	\$500 per day
10,000 – 100,000 population:	\$1,000 per day
100,000 – 250,000 population:	\$2,000 per day
250,000 or greater population:	\$5,000 per day

Sanctuary city policies caused the release of more than 8,000 criminal offenders sought by ICE over just an eight-month period in 2014, according to statistics compiled by the Center for Immigrations Studies.¹ Sixty-three percent of the individuals freed by local authorities had prior criminal histories or were labeled a public safety concern at the time of their release. Nearly 1,900 of those released were subsequently arrested for another crime within that eight-month period.

In addition to the threat to public safety, sanctuary city policies are also expensive. The cost to taxpayers to provide education, health care, criminal justice, and other general services to illegal aliens is estimated by the Federation for American Immigration Reform (FAIR) to be \$113 Billion per year.

Sanctuary policies create a magnet for illegal immigration. In fact, Francisco Sanchez admitted that he sought to come to San Francisco because of the city's strong sanctuary city policy. Accommodating those who violate our immigration laws encourage others to follow the same path, and give prospective immigrants little incentive to pursue legal paths to immigration.

These policies also conflict with federal law. The 1996 Illegal Immigration Reform and Immigrant Responsibility Act prohibits state and local governments from preventing

¹ <http://cis.org/ignoring-detainers-endangering-communities>

public employees from receiving or sharing information on illegal aliens with federal immigration officials.

Some opponents of this bill may argue that creating sanctuary cities is designed only to help protect crime victims who are in the country illegally. However, this assertion is largely false. Law enforcement rarely, if ever, inquire about the immigration status of crime victims or witnesses, and have the discretion to grant immunity to victims and witnesses of crimes. As we've seen in San Francisco, many of the sanctuary city policies are so extreme they are actually helping to shield dangerous convicted felons and putting law-abiding citizens in harm's way.

This is common sense legislation that will help protect Wisconsin citizens from unnecessarily becoming victims of crime. We are taking a proactive approach with this bill to make sure the tragic events in San Francisco and elsewhere do not happen here. Allowing cities to defy federal immigration law will threaten public safety.

SB 369 is supported by the Badger State Sheriffs' Association, the Wisconsin Chiefs of Police Association, and the Wisconsin Sheriffs and Deputy Sheriffs Association.

Thank you again for the opportunity to provide testimony in support of SB 369. If any committee members have further questions, I am happy to answer them at this time.

Examples of Serious Crimes Committed by Illegal Aliens:²

- **December 2015** — A 40-year-old illegal alien, Michael Rodriguez Garcia, was sentenced to four life terms for the rape and sodomy of two children in Alabama. (Breitbart News, December 19, 2015)
- **November 2015** — Humberto Erazo-Medrano and Ricardo Castaneda, two illegal aliens, were arrested and charged with second-degree promoting prostitution in Alabama. The bond for each man is set at \$100,000. (Gadsden Times, November 2, 2015)
- **October 2015** — Marco Hernandez Ramirez, a 34-year-old illegal alien from Guatemala, was sentenced to 40 years in prison for killing a couple and their 5-year-old daughter in a car crash. (Athens Banner-Herald, October 14, 2015)
- **September 2015** — An illegal alien from Mexico, Martin Margarito-Casimiro, was sentenced to 40 years in federal prison for kidnapping a man in Texas. (U.S. Immigration and Customs Enforcement, September 24, 2015)
- **August 2015** — Jose Angel Villarreal-Sanchez, a 42-year-old illegal alien from Mexico, was convicted of possessing a firearm in Texas. According to federal law, illegal aliens are not permitted to possess firearms. Three baggies of cocaine were also found hidden in his backyard. Villarreal-Sanchez is expected to be sentenced in December. He could face up to 10 years in federal prison and a possible \$250,000 fine. (U.S. Immigration and Customs Enforcement, August 11, 2015)
- **July 2015** — Ever Olivos-Gutierrez, an illegal visa overstayer, was convicted of second degree murder in Colorado for the death he caused while driving intoxicated. It was the fourth time since 2000 he had been arrested for DUI, but there was no record of immigration authorities ever being notified. He was sentenced to 40 years imprisonment. (Denver Channel 7)
- **June 2015** — A Salvadoran, Mauricio Hernandez, convicted of rape and murder of the baby born to his victim was sentenced to 50 years in prison in Texas and faces deportation when he has served his sentence. (The Dallas Morning News, June 5, 2015)
- **May 2015** — A Salvadoran, Julio C. Saravia, faces deportation following a prison sentence of 29 years for rape of a minor, to which he pled guilty in Virginia.
- **May 2015** — Two Mexicans, Juan Hernandez-Sanchez and (FNU) Canela-Perez, pled guilty in Portland, Oregon and were sentenced to seven years in state prison for distribution of methamphetamines and heroin. (*Oregonian*, May 14, 2015)

² <http://www.fairus.org/issue/examples-of-serious-crimes-of-illegal-aliens>

- **May 2015** — Zeng Liang Chen and Dong Biao Lin, illegal aliens from China, were convicted of first degree murder and sentenced to life in prison in New Jersey. (NJ.com, May 5, 2015)
- **May 2015** —Bernabe Flores, a Mexican illegal alien, pled guilty to first-degree rape in California and was sentenced to eight years in prison. (*Times-Herald Record*, May 7, 2015)
- **April 2015** — Victor Garzon-Alvarez, a Mexican illegal alien pled guilty and was sentenced in New Jersey to 14 years in prison for murder. (NJ.com, April 22, 2015)
- **April 2015** — Sergio Quezada Lopez, a Mexican illegal alien who had been deported four times, was sentenced in Oregon to 15 years in prison for a heroin overdose death. His brother, Gerardo Chalke Lopez, also a previously deported alien, was earlier sentenced to 18 years in prison on the same charges. (*Oregonian*, April 29, 2015)
- **April 2015** — Three illegal aliens, Uriel Ramirez-Perez, Darwin Zuniga-Rocha, and Eliseo Mateo Perez, pled guilty to first-degree sexual abuse (rape) in New York and were sentenced to time served in jail and will be deported. (*Daily News*, April 29, 2015)
- **March 2015** — Javier Guerrero Molina, a Mexican illegal alien, was sentenced in federal court in Jacksonville, Florida to 10 years imprisonment for attempting to transport a minor to engage in sexual activity. Guerrero said he had entered the United States illegally in 1999 or 2000. (Dept. of Justice, Middle District of Florida, March 30, 2015)
- **March 2015** — An Idaho judge sentenced Phuong Hoang Le, a Vietnamese illegal alien, to prison for 36 months. Le was convicted of possession of a stolen car and stolen credit card. The judge commented, "Stealing cars and credit cards strike at the hearts of average middle class citizens." The prosecutor said that Le had 10 prior felony convictions, but that according to U.S. Immigration and Customs Enforcement, he is not likely to be deported because if Le were to be deported to Vietnam "he would be killed."
(<http://magicvalley.com/news/local/mini-cassia/> — March 25, 2015)
- **March 2015** — Luis Daniel Cabrera-Guzman, a Mexican illegal alien, was sentenced in Kansas City to two years in federal prison for conspiracy to produce and distribute false and counterfeit identification documents that were sold to illegal aliens. He had previously been deported twice in 2009. Four other Mexican illegal aliens have pled guilty to the same conspiracy and await sentencing. (Kansas City infazine, March 25, 2015)
- **February 2015** — Sergio Cobaruvias-Romero, an illegal alien from Mexico, was convicted of possessing with intent to distribute drugs in Texas. He was found with 20 bundles of methamphetamine weighing 46 pounds and four bundles of heroine weighing 13 pounds. He was sentenced to 10 years in federal prison. (U.S. Immigration and Customs Enforcement, February 17, 2015)
- **January 2015** — Jaime Gerardo Serrano-Villegas, a 28-year-old illegal alien from Mexico, was convicted of transporting illegal aliens. He assisted in moving a boat filled with illegal aliens and faces up to 10 years in federal prison. (U.S. Department of Justice, Southern District of Texas, January 14, 2015)



JOHN SPIROS

State Representative • 86th Assembly District

Senate Bill 369

February 10, 2016

Testimony from Rep. Spiros

Hello, and thank you Mr. Chairman and members of the Senate Committee on Labor and Government Reform for allowing me to have the opportunity to talk to you today regarding Senate Bill 369, a bill that would ban so called “Sanctuary Cities” in Wisconsin.

You may have heard or read about a murder in San Francisco that happened last summer. On July 1, 2015 32 year old Kathryn Steinle was shot and killed as she was walking on a San Francisco pier with her father. The shooter was Francisco Sanchez, an illegal immigrant and convicted felon who had been previously deported five times. In March, after serving a third prison term for entering the country illegally, he was sent to San Francisco for an outstanding drug charge. The San Francisco district attorney's office declined to prosecute the case. U.S. Immigration and Customs Enforcement (ICE) had issued a detainer for Sanchez requesting that he be kept in custody until immigration authorities could pick him up. However, since San Francisco is a sanctuary city, the city did not honor the detainer and he was released from jail and set free. Less than 4 months later he opened fire on the San Francisco pier.

There are more than 200 cities and counties across the United States that are considered sanctuary cities. In general, a sanctuary city is a city, village, town or county that instructs their employees not to cooperate with federal immigration law enforcement authorities. These cities enact these policies despite federal law. Currently Wisconsin has three entities that are considered sanctuary cities: Madison, Milwaukee County and Racine.

Specifically, this bill would prohibit any city, village, town or county from enacting or enforcing an ordinance or policy that would prohibit an employee from inquiring about the immigration status of an individual who has been charged with crime. This bill would also prohibit any policy that prohibits an employee from otherwise cooperating with or assisting the federal government with immigration enforcement. It should be noted that this bill does not require local governments to inquire about immigration statuses of those who are charged with a crime, it just prohibits a municipality from banning their employees from making those inquiries or cooperating with federal immigration agencies. The bill also includes a penalty for those municipalities who refuse to comply.

Currently, police officers are already allowed to inquire about the immigration status of those charged with a crime. This bill does not change that. In drafting this legislation, I talked to many

sheriffs across the state who strongly support the bill. As a former law enforcement officer myself, I believe this legislation is necessary to protect the safety of our residents.

After speaking with State Representatives and others who contacted my office, we introduced Amendment 2 to this bill. The bill originally affects those who have been detained or arrested, which under Wisconsin law, could include anyone who has been stopped for a traffic violation. This amendment would ensure that the only individuals affected are those who have been charged with a crime, as is the original intent of this legislation.

In sum, SB 369 is common sense legislation that protects the citizens of Wisconsin by calling for cooperation with federal law enforcement agencies. As a state we should be preemptive and make sure that what happened in San Francisco cannot happen here.

Amendment 1 was introduced at request of the DOR and it allows the court to notify the DOR directly when a political subdivision is found to be noncompliant with the law.

Thank you again for allowing me the opportunity to testify in support of this bill, and I would welcome any questions.



WISCONSIN CATHOLIC CONFERENCE

TO: Members, Senate Committee on Labor and Government Reform

FROM: Barbara Sella, Associate Director

DATE: February 10, 2016

RE: Senate Bill 369 and Assembly Bill 450 – Immigration Status Inquiries

The Wisconsin Catholic Conference (WCC) – the public policy voice for Wisconsin’s bishops – is providing this written testimony on Senate Bill 369 (and companion Assembly Bill 450) for information only.

The Catholic Church teaches that “Every migrant is a human person who, as such, possesses fundamental, inalienable rights that must be respected by everyone and in every circumstance.” (Pope Emeritus Benedict XVI, *Caritas in veritate*, #62) Alongside this respect for the fundamental human rights of immigrants, the Church also recognizes the legitimate right of governments to maintain public safety and control their borders. As the Church consistently teaches, these rights need not be opposed to one another, but rather they can and must complement one another. It is for this reason that the Catholic Church is a strong advocate of comprehensive immigration reform at the federal level.

In assessing Senate Bill 369 and Assembly Bill 450, which would prohibit so called “sanctuary cities,” the WCC recognizes that the bills do not mandate any immigration inquiries, nor do they limit the discretion of law enforcement. We also commend the authors’ amendment to limit the bill’s effect to status inquiries of persons who have been charged with a crime.

Nevertheless, we remain concerned that passing these bills could make law-abiding members of our state’s immigrant communities less likely to contact law enforcement if they are victims of or witnesses to criminal activity. Only criminals benefit when communities lose trust in the police.

We urge lawmakers, law enforcement, and immigrant advocates to work together for the common good, to provide clarity about what our laws do and do not require, and to foster good community relations. The WCC is committed to helping achieve these goals in every way possible.