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PRESS RELEASE



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Anti-immigrant bill heard in Senate subcommittee

Unnecessary distraction from real state business

AUSTIN – Senate Bill 185, which was heard in the Senate Subcommittee on Border Security today, would outlaw so-called “sanctuary cities” — a term that has not been defined — by prohibiting Texas governmental entities from passing laws to restrict police from asking about immigration status. The bill affects cities, counties, special districts, and districts attorneys. It exempts school districts and hospital districts, but includes peace officers employed or commissioned by school districts and hospital districts.

S.B. 185 specifically prohibits policies that prohibit:

- Inquiring into immigration status lawfully detained;
- Sending or requesting information from U.S. CIS or ICE;
- Maintaining the information;
- Exchanging information with other state or federal entities;
- Assisting or cooperating with a federal immigration officer as reasonable or necessary; and
- Permitting a federal immigration officer to enter and conduct enforcement at a jail.

S.B. 185 provides that any entity in violation shall be denied state grant funds for the following fiscal year after a finding of a violation by a judicial determination. Senator Rodríguez issued the following statement:

Even after today's lengthy committee hearing, it is still unclear what problem S.B. 185 is attempting to solve. If it's an attempt to address criminal activity along the border, then we need to better fund local law enforcement, not interfere with local governments' ability to work with their respective communities. If it's an attempt to address immigration issues, then that is clearly within the purview of the federal government, not the state.

This bill is a repeat of legislation that was defeated in 2011, and it's simply bad policy and bad business for our state. I am concerned about the message S.B. 185 sends. Even if it's not written exactly as Arizona's S.B. 1070, the intent appears to be the same. The goal seems to be to encourage more local enforcement of immigration laws, and although it could affect anyone, it's aimed at Texas' immigrant communities.

With less than eleven weeks left in the legislative session, we have serious business that we need to attend, including passing the budget, school finance, infrastructure and other key governance issues. Yet here we are spending far too much time on legislation that is unwarranted and divisive. I hope that we will prevail as we did in 2011, and the Legislature will demonstrate that Texas is not a "show me your papers" state.

Six major points illustrate why S.B. 185 is bad for Texas:

- 1. It seeks to solve a non-existent problem. There is no indication that local law enforcement needs this authority, which is reserved exclusively for the federal government, to keep communities safe. Quite the opposite, as point number two illustrates.*
- 2. It harms public safety. Today, **El Paso County Sheriff Richard Wiles and El Paso County Attorney Jo Anne Bernal** spoke out against this legislation because it would undermine law enforcement's ability to work with immigrant communities and effectively combat cartel activity. Harris County Sheriff Adrian Garcia, Austin Police Chief Art Acevedo and many other local law enforcement leaders have made similar comments.*
- 3. It's bad business for Texas. Similar legislation in Arizona cost \$5 million in lost taxes from S.B. 1070 and \$135 million in lost economic output. As **President/CEO of the Greater El Paso Chamber of Commerce Richard Dayoub** testified today, we can't afford to lose current business or future investors. It also does not make sense to drive workers away from labor-intensive but critical sectors such as construction and agriculture.*
- 4. It targets children. While S.B. 185 exempts school officials, it includes school peace officers. I'm not one who thinks it makes sense to punish children who are in our communities, regardless of documentation, by pushing them out of school and into the streets.*
- 5. It has legal consequences that will inevitably lead to racial profiling, and violations of the Equal Protection Clause, the Supremacy Clause and the Fourth Amendment. In fact, the issue already came up in El Paso County, where the El Paso County Sheriff's Department was sued for pulling passengers off a bus and asking them their immigration status; the lawsuit was settled when the department agreed to establish a written policy and train its officers. Further, it places schools in an untenable position: If their peace officers do not ask immigration questions they could lose state funding, and if they do ask they could be sued in federal court.*
- 6. It hurts families. So called "sanctuary cities" policies have the potential to divide mixed-status families in Texas. Leading leaders speaking against this legislation today, including the Catholic Conference of Bishops, the Anti-Defamation League, Evangelical Pastors, and numerous other religious orders and clergy members.*

José Rodríguez represents Texas Senate District 29, which includes the counties of El Paso, Hudspeth, Culberson, Jeff Davis, and Presidio. He represents both urban and rural constituencies, and more than 350 miles of the Texas-Mexico border. Senator Rodríguez currently serves as the Chairman of the Senate Hispanic Caucus, and is a member of the Senate Committees on Education; Health and Human Services; Veteran Affairs and Military Installations; Nominations; and Agriculture, Water, and Rural Affairs.