

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, An Act To create a Department of Corrections in the District of Columbia to limit the District’s cooperation with federal immigration agencies, including by complying with detainer requests, absent a judicial warrant or order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Sanctuary Values Congressional Review Emergency Amendment Act of 2020”.

Sec. 2. Section 7 of An Act To create a Department of Corrections in the District of Columbia, effective December 11, 2012 (D.C. Law 19-194; D.C. Official Code § 24-211.07), is amended to read as follows:

“Sec. 7. Prohibition on cooperation with federal immigration agencies.

“(a) Absent a judicial warrant or order, issued by a federal judge appointed pursuant to Article III of the United States Constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631, that authorizes a federal immigration agency to take into custody the person who is the subject of such warrant or order, the District of Columbia shall not:

“(1) Hold an individual in the District’s custody after that individual would have been otherwise released, except as provided in section 2a(c)(6);

33 “(2) Provide to any federal immigration agency an office, booth, or any facility or
34 equipment for a generalized search of or inquiry about an individual in the District’s custody;

35 “(3) Permit any federal immigration agency to interview an individual in the
36 District’s custody without giving the individual an opportunity to have counsel present; or

37 “(4) Except as provided in Intergovernmental Agreement No. 16-00-0016, entered
38 into between the Department of Corrections and the United States Marshals Service:

39 “(A) Provide to a federal immigration agency an individual’s date and time
40 of release, location, address, or criminal case information;

41 “(B) Grant any federal immigration agency access to any District detention
42 facility, including a facility under the control of the Department of Corrections, the Department of
43 Youth Rehabilitation Services, the Department of Behavioral Health, or the Metropolitan Police
44 Department, for the purpose of releasing an individual into federal custody; or

45 “(C) Release an individual for the purpose of transferring the individual into
46 the custody of any federal immigration agency.

47 “(b) The District shall not inquire into the immigration status of an individual in its custody.

48 “(c) Nothing in this section shall be construed to establish a right to counsel that does not
49 otherwise exist in law.

50 “(d) Nothing in this section shall be construed to create a private right of action.”.

51 Sec. 3. Fiscal impact statement.

52 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
53 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
54 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

55 Sec. 4. Effective date.

56 This act shall take effect following approval by the Mayor (or in the event of veto by the
57 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
58 90 days, as provided for emergency acts of the Council of the District of Columbia in section
59 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
60 D.C. Official Code § 1-204.12(a)).

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