

115TH CONGRESS
2D SESSION

H. R. 4915

To amend title 18, United States Code, to provide penalties for certain obstructions of the enforcement of Federal immigration laws, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2018

Mr. ROKITA (for himself, Mr. MESSER, Mr. BABIN, and Mr. GOSAR) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide penalties for certain obstructions of the enforcement of Federal immigration laws, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stopping Lawless Ac-
5 tions of Politicians Act of 2018” or the “SLAP Act of
6 2018”.

1 **SEC. 2. CERTAIN OBSTRUCTIONS OF ENFORCEMENT OF IM-**
 2 **MIGRATION LAWS.**

3 (a) OFFENSE.—Chapter 73 of title 18, United States
 4 Code, is amended by adding at the end the following:

5 **“§ 1522. Certain obstructions of enforcement of immi-**
 6 **gration laws**

7 “Whoever, being a State or local official having cus-
 8 tody of an individual, knowingly releases an alien subject
 9 to a detainer issued pursuant to section 287(d)(1) of the
 10 Immigration and Nationality Act (8 U.S.C. 1357(d)(1)),
 11 shall be fined under this title or imprisoned not more than
 12 five years, or both”.

13 (b) CLERICAL AMENDMENT.—The table of sections
 14 at the beginning of chapter 73 is amended by adding at
 15 the end the following:

“1522. Certain obstructions of enforcement of immigration laws.”.

16 **SEC. 3. ENSURING THAT LOCAL AND FEDERAL LAW EN-**
 17 **FORCEMENT OFFICERS MAY COOPERATE TO**
 18 **SAFEGUARD OUR COMMUNITIES.**

19 (a) AUTHORITY TO COOPERATE WITH FEDERAL OF-
 20 FICIALS.—A State, a political subdivision of a State, or
 21 an officer, employee, or agent of such State or political
 22 subdivision that complies with a detainer issued by the De-
 23 partment of Homeland Security under section 236 or 287
 24 of the Immigration and Nationality Act (8 U.S.C. 1226
 25 and 1357)—

1 (1) shall be deemed to be acting as an agent of
2 the Department of Homeland Security; and

3 (2) with regard to actions taken to comply with
4 the detainer, shall have all authority available to of-
5 ficers and employees of the Department of Home-
6 land Security.

7 (b) LEGAL PROCEEDINGS.—In any legal proceeding
8 brought against a State, a political subdivision of a State,
9 or an officer, employee, or agent of such State or political
10 subdivision, which challenges the legality of the seizure or
11 detention of an individual pursuant to a detainer issued
12 by the Department of Homeland Security under section
13 236 or 287 of the Immigration and Nationality Act (8
14 U.S.C. 1226 and 1357)—

15 (1) no liability shall lie against the State or po-
16 litical subdivision of a State for actions taken in
17 compliance with the detainer; and

18 (2) if the actions of the officer, employee, or
19 agent of the State or political subdivision were taken
20 in compliance with the detainer—

21 (A) the officer, employee, or agent shall be
22 deemed—

23 (i) to be an employee of the Federal
24 Government and an investigative or law
25 enforcement officer; and

1 (ii) to have been acting within the
2 scope of his or her employment under sec-
3 tion 1346(b) and chapter 171 of title 28,
4 United States Code;

5 (B) section 1346(b) of title 28, United
6 States Code, shall provide the exclusive remedy
7 for the plaintiff; and

8 (C) the United States shall be substituted
9 as defendant in the proceeding.

10 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion may be construed to provide immunity to any person
12 who knowingly violates the civil or constitutional rights of
13 an individual.

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