

**Introduced by Senators Morrell and Nielsen
(Coauthors: Senators Bates, Berryhill, Fuller, Gaines, Moorlach,
Runner, Stone, and Vidak)**

July 16, 2015

Senate Joint Resolution No. 17—Relative to immigration.

LEGISLATIVE COUNSEL'S DIGEST

SJR 17, as introduced, Morrell. Immigration: Kate's Law.

This measure would call upon Congress to immediately pass legislation, to be titled "Kate's Law," which would create a mandatory minimum federal sentence of 5 years in a federal penitentiary for an individual that has returned to the United States illegally after having been deported and previously convicted of a felony in the United States.

Fiscal committee: no.

- 1 WHEREAS, One of the primary responsibilities of every elected
2 official in the nation is the public safety and protection of the
3 citizens they represent; and
4 WHEREAS, Americans have always had a passion for fairness
5 and have long recognized the vital part immigrants have played
6 in who we are as a nation; and
7 WHEREAS, America has had a long tradition of welcoming
8 immigrants, and this tradition continues as we invite all who yearn
9 to be free, and with a respect for the rule of law, to join us; and
10 WHEREAS, Immigrants from around the world have made
11 countless contributions in shaping our country into what it is today.
12 As President Lyndon B. Johnson put it, "We flourish because we're
13 fed from many streams."; and

1 WHEREAS, Ours is a nation founded not on a particular race
2 or language, but on a set of economic, political, and moral
3 principles. These principles are, as President Abraham Lincoln
4 said, the “electric cord” that binds us together as one people and
5 one nation; and

6 WHEREAS, The safety of our citizens is enshrined in the United
7 States Constitution, as one of our founding fathers Alexander
8 Hamilton wrote America’s safety depends on the energy of a
9 common sentiment, uniformity of principles and habits, and a love
10 of country. These are essential to protecting our civil liberty; and

11 WHEREAS, Almost every elected official in the nation, upon
12 their oath of office, pledges to uphold the United States
13 Constitution and the laws of the jurisdiction to which they are
14 elected; and

15 WHEREAS, We must all work together to ensure that our
16 government respects the limits of its power, that we ourselves
17 maintain a proper respect for our system of laws, and as a part of
18 that system of laws, border security must be a key component in
19 our conversation about immigration; and

20 WHEREAS, Throughout the nation, cities such as the City of
21 San Francisco have created policies and ordinances establishing
22 themselves as “sanctuary cities” in an attempt to shelter
23 undocumented immigrants and usurping the rule of law, in direct
24 conflict with elected officials’ oaths of office; and

25 WHEREAS, These sanctuary cities have refused to enforce the
26 laws of the United States government when, through direct or
27 indirect action, they harbor individuals who have been deported
28 numerous times after committing many crimes, including serious
29 felonies; and

30 WHEREAS, Harboring violent criminals protected by the
31 policies of sanctuary cities has contributed to the problem of many
32 citizens of the United States suffering great bodily harm, including
33 death; and

34 WHEREAS, The most recent tragedy, the senseless killing of
35 Kathryn (Kate) Steinle on July 1, 2015, by an undocumented
36 immigrant who had been deported five times, convicted of seven
37 felonies, and who had been given safe harbor by the city law
38 enforcement of the City of San Francisco, has brought this issue
39 to the forefront of the national debate; and

1 WHEREAS, Those city officials directly ignored a detainer
2 request by the federal government to detain and return the prisoner
3 for timely deportation; and

4 WHEREAS, By ignoring the federal government, their
5 constitutional duties, and their sworn responsibilities to protect
6 the citizens of the State of California and the nation, those elected
7 officials have subjected their citizens to preventable violent crimes;
8 and

9 WHEREAS, Some of the strongest national advocates of
10 immigrant rights, such as United States Senator Dianne Feinstein,
11 have criticized the sanctuary cities and specifically the City of San
12 Francisco for not properly working with the federal government
13 to ensure that convicted felons who are in the country illegally are
14 deported in a timely fashion; and

15 WHEREAS, It is clear that only the federal government has the
16 power and tools to secure the border and protect our citizens from
17 the actions of elected officials who refuse to uphold the United
18 States Constitution and federal law and who refuse to cooperate
19 with federal officials when it comes to the deportation of
20 undocumented immigrants with felony criminal records; now,
21 therefore, be it

22 *Resolved by the Senate and the Assembly of the State of*
23 *California, jointly*, That the Legislature calls upon Congress, as a
24 national response to the tragic death of Kathryn (Kate) Steinle, to
25 immediately pass legislation, to be titled “Kate’s Law,” which
26 would create a mandatory minimum federal sentence of five years
27 in a federal penitentiary for an individual that has returned to the
28 United States illegally after having been deported and previously
29 convicted of a felony in the United States; and be it further

30 *Resolved*, That the Secretary of the Senate transmit copies of
31 this resolution to the President and Vice President of the United
32 States, to the Speaker of the House of Representatives, to the
33 Majority Leader of the Senate, to each Senator and Representative
34 from California in the Congress of the United States, and to the
35 author for appropriate distribution.

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