

SEARCH Resolution 94-17

Of the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics

February 11, 1994

Mandated State Cooperation with the Immigration and Naturalization Service

WHEREAS, under existing federal law states are required to promptly report conviction record information about aliens to the Immigration and Naturalization Service (INS);

WHEREAS, state central repositories have an exemplary record of cooperating with the INS to meet INS information needs notwithstanding the administrative and financial burden on the state repositories;

WHEREAS, Section 5119 of the Violent Crime Control and Law Enforcement Act of 1993 (H.R. 3355) Crime Bill passed by the Senate on November 19, 1993, would require that notwithstanding any state law, ordinance or regulation all officials of any state or local government, upon request, by any INS officer, "shall provide information regarding the identification, location, arrest, prosecution, detention and deportation of any aliens who are not lawfully present in the United States;"

WHEREAS, not later than six months after the enactment of the Crime Bill the Attorney General must prepare a report on the extent of state and local cooperation and identify any state or local governments that have adopted laws, policies or practices of non-cooperation;

WHEREAS, any state or local government identified in the Attorney General's report are made ineligible for federal funds from appropriations made pursuant to the Crime Bill or an amendment to the Crime Bill;

WHEREAS, the "cooperation" requirement that would be imposed by the Crime Bill is open-ended, vague and undefined, subjective and represents an unfunded federal mandate contrary to state law;

NOW, THEREFORE, BE IT RESOLVED, that the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, "Urges that the Congress delete Section 5119 mandating state and local cooperation with the INS or alternatively that Section 5119 be amended to require that the Attorney General prepare a report on state cooperation with the INS on reporting criminal justice record information and that this report include a survey of the states regarding cooperation and that the report reflect fairly state views."