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HOUSE JOINT RESOLUTION

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WHEREAS, The Constitution of the State of Illinois of 1970 Article 1 Section 2 protects the rights of due process of individuals in Illinois; SECTION 2. DUE PROCESS AND EQUAL PROTECTION "No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws."; and

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WHEREAS, The Constitution of Illinois Article 1 Section 2 does not contradict the U.S. Constitution protections afforded to all Americans by the Fifth and Fourteenth amendments; and

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WHEREAS, The Supreme Court has held that the Due Process Clause applies to all noncitizens in the United States Constitution; "Aliens, even Aliens whose presence in this country is unlawful, have long been recognized as 'persons' guaranteed due process of law by the Fifth and Fourteenth Amendments" *Pyler v. Doe*, U.S. 202, 210 (1982); and

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WHEREAS, The Supreme Court has recognized family unity as a necessary protected interest by the United States Constitution; "There is a fundamental liberty interest of natural parents in the care, custody and management of their child"; *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); and

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1 WHEREAS, Illinois serves as the third largest recipient of
2 federal grants for detention centers in the United States; and

3 WHEREAS, "Illinois agencies received nearly \$90 million in
4 federal grants in the last two fiscal years to help resettle
5 unaccompanied minors coming to the U.S." as reported by ABC 7
6 News Chicago; and

7 WHEREAS, "In 2017, the American Pediatric Association
8 released a statement, "Immigrant children seeking safe haven in
9 the United States should never be placed in detention
10 facilities. Studies of detained immigrants have shown that
11 children and parents may suffer negative physical and emotional
12 symptoms from detention, including anxiety, depression and
13 posttraumatic stress disorder. Conditions in U.S. detention
14 facilities, which include forcing children to sleep on cement
15 floors, open toilets, constant light exposure, insufficient
16 food and water, no bathing facilities, and extremely cold
17 temperatures, are traumatizing for children. No child should
18 ever have to endure these conditions."; and

19 WHEREAS, Currently, Illinois participates in detaining
20 children under the federal government's Zero Tolerance Policy
21 by way of providing facilities for detention funded by federal
22 grants; and

1 WHEREAS, ICE (U.S. Immigration and Customs Enforcement) is
2 an agency created in 2003 by the Department of Homeland
3 Security, through the Homeland Security Act of 2002; and

4 WHEREAS, The Homeland Security Act is a Congressional
5 legislation, and the creation of ICE is administrative creation
6 for enforcement; and

7 WHEREAS, ICE is the official enforcement arm of the Custom
8 Border Patrol under Homeland Security that identifies and
9 separates children and places them in Illinois detention
10 centers; and

11 WHEREAS, ICE has protocols titled the Parental Directive to
12 aid in communication between child detainees and their parents,
13 but they have not been followed, resulting in numerous children
14 in Illinois unable to be reunified with families or communicate
15 in a timely manner; and

16 WHEREAS, ICE has contracts of interservice
17 agreements/contracts with Illinois local agencies such as the
18 Illinois State Police and the DMV to share information,
19 yielding names of individuals who may be detained and separated
20 from their children while held in detention centers; and

21 WHEREAS, In *Manigault v. Springs*, the Supreme Court said,

1 It is the settled law of this court that the interdiction of
2 statutes impairing the obligation of contracts does not prevent
3 the State from exercising such powers as are vested in it for
4 the promotion of the common weal, or are necessary for the
5 general good of the public, though contracts previously entered
6 into between individuals may thereby be affected. This power,
7 which in its various ramifications is known as the police
8 power, is an exercise of the sovereign right of the Government
9 to protect the lives, health, morals, comfort and general
10 welfare of the people, and is paramount to any rights under
11 contracts between individuals. 480. 34. 290 U.S. at 438; and

12 WHEREAS, The Supreme Court further cited Home Building &
13 Loan Association v. Blaisdell 290 U.S. 398 (1934); in upholding
14 the legislation, the Court established new standards by which
15 to evaluate the validity of legislation impairing the
16 obligations of contracts; the inquiry is not simply whether an
17 obligation is impaired, but rather "whether the legislation is
18 addressed to a legitimate end, and the measures taken are
19 reasonable and appropriate to that end." This flexible standard
20 allows the Court to construe the contract; The legitimacy of
21 the ends and the reasonableness of the means were judged by the
22 following five factors: (1) an emergency must exist that
23 furnishes a "proper occasion for the exercise of the reserved
24 power of the State to protect the vital interests of the
25 community, (2) the legislation must be for the protection of a

1 basic interest of society, not for the mere advantage of
2 particular individuals, (3) the relief must be appropriate to
3 the character of the emergency that existed, (4) the conditions
4 of the legislation must be reasonable, and (5) the legislation
5 must be temporary and limited to the exigency that called it
6 forth; and

7 WHEREAS, The State of Illinois has a right to review
8 contracts and operations of detention centers that are causing
9 harm to Illinois youth on Illinois soil; therefore, be it

10 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE
11 HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
12 SENATE CONCURRING HEREIN, that there is created the ICE
13 Monitoring Task Force whose purpose is the following:

14 (1) Review ICE practices and procedures within the
15 State;

16 (2) Review the use and condition of detention centers
17 in Illinois; and

18 (3) Review all ICE contracts in Illinois, including
19 those with Private Detention Centers, the Illinois State
20 Police, and the Department of Motor Vehicles; and be it
21 further

22 RESOLVED, That the Task Force shall consist of the
23 following members, who shall serve without compensation:

1 (1) Two members nominated by the Latino Policy Forum
2 and appointed by the Speaker of the House, one of whom
3 shall serve as co-chair;

4 (2) Two members nominated by the Loyola Civitas Child
5 Law Center and appointed by the Minority Leader of the
6 House, one of whom shall serve as co-chair;

7 (3) Two members nominated by the ACLU and appointed by
8 the Senate President;

9 (4) One member nominated by Arab American Family
10 Services and appointed by the Senate Minority Leader;

11 (5) One member nominated by the National Immigration
12 Law and Justice Center and appointed by the Speaker of the
13 House; and

14 (6) One member nominated by the Illinois Coalition for
15 Immigrants and Refugee Rights and appointed by the Minority
16 Leader of the House; and be it further

17 RESOLVED, That the Task Force shall meet for the first time
18 at the call of the co-chairs; and be it further

19 RESOLVED, That the Illinois Department of Human Rights
20 shall provide administrative support; and be it further

21 RESOLVED, That the Task Force shall submit its final report
22 to the General Assembly and the Governor no later than December
23 31, 2019, and, upon the filing of its report, is dissolved.