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HOUSE 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, that  
12 there is created the ICE Monitoring Task Force whose purpose is  
13 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.