

May 15, 2018

The Honorable Bill Haslam
Governor of Tennessee
Office of Governor Bill Haslam
State Capitol, 1st Floor
600 Charlotte Avenue
Nashville, TN 37243

Re: Request for veto of HB 2315

Dear Governor Haslam,

As lawyers practicing criminal defense across the state of Tennessee, we strongly urge you to veto HB 2315. This bill forces state and local officials to comply with federal immigration agents' demands, even when such compliance will violate the constitutions of the United States and the state of Tennessee. Our clients are criminal defendants, many of whom are indigent, and all of whom are guaranteed the right to counsel and fair and constitutional treatment. This bill would harm the integrity of the criminal justice system and sow fear and distrust in Tennessee's immigrant communities.

HB 2315 prohibits state and local government entities from adopting policies that would limit their involvement with the federal government's enforcement of immigration laws. Using economic benefits from the State as leverage, the bill mandates that government entities cooperate and comply with federal detainers without regard for whether such detainer requests comply with the probable cause standard found in both the state and federal constitutions. The bill itself is, therefore, constitutionally suspect.

As a practical matter, the bill would hijack our State's criminal justice system by turning it into the enforcement arm of the federal immigration system. This bill could force government employees in the courts and probation system to report immigration status to federal agents and to aid in the detention of individuals.

Whether innocent or guilty, Defendants are forced to interact with state and local officials within the criminal justice system. This is true no matter the severity of the crime or the legitimacy of the allegations. Pretrial Defendants, who are presumed innocent, must appear in court and comply with conditions of release, which may involve periodic reporting to public employees. Post-Conviction Defendants must interact with the court and probation officers to complete their sentence.

HB 2315 creates an environment where people who are undocumented must fear immigration officials every time they interact with the system. Such fear will cause Defendants to violate the terms of their pretrial release, to fail to appear in court or to avoid reporting to their probation officer.

None of these outcomes serve the purposes of the criminal justice system. Instead, they interfere with Defendants' rights to fully participate in their defense and increase the risk of Defendants remaining in a system solely due to their fear of deportation. An undocumented Defendant will be forced into an impossible choice: appearing in court to defend themselves, on the one hand, versus detention by immigration officials and removal from their families and community, on the other.

Tennessee's criminal justice system should be about divining guilt and innocence, deterring criminal conduct and rehabilitating those Defendants who have been found guilty of criminal acts. Forcing absolute cooperation with immigration officers does nothing to further these goals.

We urge you to consider the effects that HB 2315 will have on our criminal justice system and to veto this bill.

Sincerely,

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