

Federal Inaction Provokes Strong Anti-Sanctuary Efforts In The States

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The lax immigration enforcement policies promulgated by the Biden Administration continue to exacerbate the crisis at the border. However, this crisis has not been confined only to border states. Rather, the effects of human trafficking, drug smuggling, and increased crime are plaguing every state in the US. Still reeling from the costs related to the COVID pandemic, states are now also being forced to shoulder the additional burdensome costs of illegal immigration. A recent [report](#) by FAIR found that at the beginning of 2023, the net costs to US taxpayers for illegal immigration was \$150 billion, with states bearing the brunt of these costs – \$115 billion. Several states, recognizing the Biden Administration’s failing immigration policies, worked with FAIR to advance anti-sanctuary legislation to enforce the rule of law, discourage illegal immigration and protect their communities from crime.

In West Virginia, the enactment of anti-sanctuary legislation was a year-long journey. FAIR worked with West Virginia activists Tresa Howell and Brenda Arthur, and with Attorney General Patrick Morrisey’s staff, to draft anti-sanctuary bill language that not only banned sanctuary policies but added teeth to the prohibition. The House bill, HB 2008, was introduced by Delegates Todd Longanacre (R-Greenbrier) and Margitta Mazzocchi (R-Logan) and the Senate version, SB 550, by Senator Mark Maynard (R-Wayne). House leadership made HB 2008 a caucus bill, which meant that it was a priority to pass. It was introduced on January 12, rapidly advanced through the Judiciary Committee on January 31, and then passed the full House on February 3 by a vote of 87-6 with seven members not voting.

The Senate received HB 2008 on February 6 where it languished in the Judiciary Committee for a month. Tresa and Brenda arranged for FAIR to present information about the anti-sanctuary bills to two Center Right groups in West Virginia. At those meetings, several legislators were present. The groups were told by these legislators that in order for Senate leadership to move the anti-sanctuary bills twenty-one senators would need to sign onto SB 550 to show support. FAIR issued calls to action from our members and the Center Right groups. In addition, the bill sponsors reached out to their colleagues to garner support. Also, the leader of one of the Center Right groups, former Delegate John Overington, used his influence with former colleagues to garner support. However, it was not until FAIR, Tresa, Brenda and the bill sponsors made a concerted effort to lobby every senator at the Capitol that the bills gained momentum with fifteen senators cosponsoring the bill. The Senate Judiciary Committee held a hearing on March 8, amended the bill, and then passed it favorably out of the committee on March 9. On March 10, the Senate voted 31-1 in favor of the bill with one Democrat in support and two Republican senators absent. The next day, the very last one of the legislative session, the House voted to concur with the Senate amendments, and the bill was sent to Governor Jim Justice (R) who signed it on March 29.

Idaho became the second state this legislative session to enact an anti-sanctuary bill into law and this effort came down to the wire. SB 1030 was introduced on January 27 and was referred to the

Senate State Affairs Committee. FAIR worked with Idaho sheriffs to garner support for this legislation. SB 1030 was heard in the Committee on February 13 and was reported out favorably. It passed the Senate by a vote of 28-7 on February 22.

The bill was received in the House and referred to the House State Affairs Committee on February 23 where it sat for a month. FAIR's members and the sheriffs worked to apply pressure on representatives to urge them to appeal to the House Chair to schedule a hearing on SB 1030. On March 17, the House State Affairs Committee introduced its own anti-sanctuary bill which passed out of the Committee on March 20 and passed the House on March 21. The House States Affairs Committee also passed SB 1030 on March 22 and the Senate bill was placed on the House calendar on March 23.

With the session scheduled to adjourn on March 24, passing the bills came down to the wire. Luckily for our efforts, the legislative session was extended for a week and on March 31, SB 1030 passed the House by a vote of 53-10 with seven representatives not voting. Governor Brad Little (R) signed SB 1030 into law on April 4.

Just as in West Virginia, North Dakota's anti-sanctuary bill initially moved very quickly. HB 1155 was introduced by Rep. Matt Heilman (R-Bismarck) when the legislature convened on January 3. It was referred to the House Political Subdivisions Committee and set for a hearing on January 12. FAIR contacted Rep. Heilman and provided him talking points for the hearing. In addition, FAIR submitted testimony in favor of HB 1155. The bill passed favorably out of committee and then passed the full House on January 16 by a vote of 80-11.

On February 13, HB 1155 was referred to the Senate State and Local Government Committee where it languished for over a month despite pressure from FAIR members and the bill's sponsor. It was finally set for a hearing on March 30 where it passed favorably. The Senate voted 40-4 in favor of the bill on March 31. It has been sent to Governor Doug Burgum (R) who is expected to sign it. He joined with 24 other states to create the ["Border Strike Force"](#) in 2022 saying that this effort was needed to address the "negative effects of illegal immigration on public safety and crime in states including North Dakota."

The crisis at the southern border has also created a crisis at the northern border. Shifting border patrol agents to the southern border to address the surge there has left the northern border unsecured. The Swanton Sector, which includes three New Hampshire counties, has seen nearly an [850 percent increase](#) in encounters and apprehensions compared to the same time period in the previous year. Governor Chris Sununu (R) recently [requested](#) the Department of Homeland Security to lift the moratorium on 287(g) agreements and partner with New Hampshire. His actions may provide the impetus for the New Hampshire House of Representatives to favorably vote for an anti-sanctuary bill, SB 132, that passed the Senate on March 30.