

# SB 4 Fact Sheet

---

*Texas Senate Bill 4, the so-called “sanctuary cities” bill signed into law by Gov. Greg Abbott and scheduled to take effect on Sept. 1, 2017, was blocked, in large part, by a federal court order in late August. The United States Court of Appeals for the Fifth Circuit heard oral argument on the preliminary injunction in the case on Nov. 7. The court upheld SB 4, with one exception, in an opinion issued on March 13. Here is a list of significant dates, along with links to legal documents and statements:*

**Nov. 15, 2016:** One week to the day after the election of Donald J. Trump as president, Texas State Sen. Charles Perry (R-District 28) pre-files Texas Senate Bill 4, which calls for civil and monetary fines against local governments and colleges that refuse to cooperate with federal immigration officials on enforcement.

**Feb. 8, 2017:** The Republican-controlled Texas State Senate approves SB 4 in a strict party-line vote. A day later, the bill is sent to the Texas House.

**April 27:** After 16 hours of contentious debate, the Texas House passes SB 4 at 3 a.m. in a 94-54 vote and sends it to Gov. Greg Abbott. Read MALDEF’s [statement](#) reacting to the vote.

**May 7:** Governor Abbott signs SB 4 into law, effective Sept. 1, during a Sunday evening Facebook Live appearance at 6:35 p.m. No news media or other officials are present. In a statement, MALDEF president and general counsel Thomas A. Saenz describes SB 4 as “[Abbott’s Folly](#).”

**May 8:** The League of United Latin American Citizens (LULAC), Maverick County and the border city of El Cenizo file a lawsuit against the State of Texas to challenge SB 4.

**May 8:** Texas Attorney General Ken Paxton files a preemptive lawsuit against MALDEF, the City of Austin, and Travis County asking a federal court to declare SB 4 constitutional. MALDEF is named in the complaint for stating its opposition to SB 4 and pledging to fight it in court. Read MALDEF’s [statement](#) in response.

**June 1:** MALDEF, representing the City of San Antonio, the Texas Association of Chicanos in Higher Education (TACHE), the Workers Defense Project, and La Union Del Pueblo Entero (LUPE), files a lawsuit against the State of Texas alleging that SB 4 violates the First, Fourth and Fourteenth Amendments of the U.S. Constitution, as well other constitutional and statutory provisions. Other Texas jurisdictions, including Bexar County and the City of El Paso, join the MALDEF lawsuit in subsequent weeks. Read the [lawsuit](#) and the legal summary.

**June 16:** After MALDEF threatens to seek court sanctions against the State, Texas drops MALDEF as a defendant from its lawsuit filed on May 8, but continues with its complaint against the City of Austin and Travis County. Read the notice of [dismissal](#) and MALDEF’s [statement](#).

**June 20:** MALDEF files a motion in federal court seeking a preliminary injunction to block SB 4 from taking effect on Sept. 1, arguing that SB 4 would inflict grievous and irreparable harm on individuals and public officials and should be barred from implementation until the law's legality is determined. [Read the motion](#) and declarations, and listen to a MALDEF [press briefing](#) held in advance of the hearing. Plaintiffs in other cases have also filed motions for preliminary injunction.

**June 26:** Chief U.S. District Judge Orlando L. Garcia of the San Antonio Division of the U.S. District Court for the Western District of Texas holds a hearing on the motion for a preliminary injunction to stop SB 4 from taking effect on Sept. 1. MALDEF presents oral argument, as well as the testimony of Bexar County Judge Nelson Wolff and San Antonio City Councilman Rey Saldaña.

**June 29:** U.S. District Judge Sam Sparks of the Austin Division convenes a hearing in the lawsuit filed May 8 by Texas against Travis County and the City of Austin. MALDEF argues that the SB 4 cases should be heard in San Antonio, and that there is no basis for a lawsuit by the State of Texas.

**Aug. 10:** Judge Sparks dismisses the May 8 lawsuit by Texas. The “decision leaves the constitutionality of the enacted SB 4 to be determined by the proper federal court in San Antonio,” MALDEF president and general counsel Thomas A. Saenz says in a [statement](#).

**Aug. 30:** Judge Garcia issues [a court order](#) blocking significant portions of SB 4 from taking effect.

**Sept. 12:** MALDEF [responds](#) to Texas’ request for an emergency hearing before the U.S. Court of Appeals for the 5<sup>th</sup> Circuit asking the court to consider blocking parts of Judge Garcia’s preliminary injunction.

**Sept. 22:** MALDEF presents oral argument to the United States Court of Appeals for the Fifth Circuit in opposition to an emergency order requested by the State of Texas that would allow SB 4 to take effect.

**Sept. 25:** A panel of three judges from the United States Court of Appeals for the Fifth Circuit issues a [ruling](#) largely denying a motion by Texas to allow portions of SB 4 to take effect, but permitting limited implementation of two of the law’s provisions that had previously been blocked. The ruling is temporary, pending a resolution of the full appeal, which is scheduled for argument on Nov. 7 before another Fifth Circuit panel.

**Nov. 7:** The United States Court of Appeals for the Fifth Circuit will consider the merits of a preliminary injunction issued in late August by U.S. District Judge Orlando that temporarily blocked implementation of key provisions of SB 4. The three-judge panel will decide whether to affirm the injunction until the resolution of the entire case. The panel will also review cross appeals that challenge parts of the law that Judge Garcia allowed to go into effect.

**March 13, 2018:** The Fifth Circuit [rules](#) that “with one exception, SB4’s provisions do not, on their face, violate the Constitution” and allows the law to remain in effect. The exception, which was struck down for violating the First Amendment, was the law’s “endorsement provision,” which called for penalties

including fines, imprisonment and removal from office of elected officials who “endorse” policies that limit immigration enforcement.