

108TH CONGRESS  
1ST SESSION

# H. R. 3115

To prevent a State or unit of local government from using Federal funds to assist prosecutors unless the State or unit provides information to the Department of Homeland Security on individuals convicted of crimes for use by the Department in identifying immigration violations by such individuals, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2003

Mr. FOSSELLA introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To prevent a State or unit of local government from using Federal funds to assist prosecutors unless the State or unit provides information to the Department of Homeland Security on individuals convicted of crimes for use by the Department in identifying immigration violations by such individuals, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PROHIBITION ON USE OF FEDERAL FUNDS TO**  
2 **ASSIST PROSECUTORS.**

3 A State or unit of local government may not use, for  
4 the benefit of State or local prosecutors, any portion of  
5 any Federal funds unless the State or unit—

6 (1) for each conviction of a person obtained by  
7 that State or unit, provides the Department of  
8 Homeland Security with information adequate for  
9 the Department to use in determining whether the  
10 person is lawfully present in the United States; and

11 (2) for each person determined by the Depart-  
12 ment of Homeland Security pursuant to paragraph  
13 (1) to be unlawfully present in the United States,  
14 transfers custody of that person to the Department  
15 not later than—

16 (A) the date on which that person’s term  
17 of imprisonment expires, if a term of imprison-  
18 ment is imposed; or

19 (B) the date of the person’s sentencing, if  
20 a term of imprisonment is not imposed.

21 **SEC. 2. DETENTION OF CRIMINAL ALIENS.**

22 Section 236(c)(1) of the Immigration and Nationality  
23 Act (8 U.S.C. 1226(c)(1)) is amended—

24 (1) in subparagraph (C), by striking “or”;

25 (2) in subparagraph (D), by adding “or” at the  
26 end; and

1 (3) by inserting after subparagraph (D) the fol-  
 2 lowing:

3 “(E) has been convicted of any Federal or  
 4 State offense and is deportable on any  
 5 ground,”.

6 **SEC. 3. EXPEDITED REMOVAL OF INADMISSIBLE CRIMINAL**  
 7 **ALIENS.**

8 (a) IN GENERAL.—Section 238 of the Immigration  
 9 and Nationality Act (8 U.S.C. 1228) is amended—

10 (1) by amending the section heading to read as  
 11 follows: “EXPEDITED REMOVAL OF ALIENS  
 12 CONVICTED OF CRIMES”;

13 (2) in the first sentence of subsection (a)(1), by  
 14 striking “covered in” through “241(a)(2)(A)(i)”;

15 (3) in subsection (a)(3)—

16 (A) by striking “an aggravated felony” and  
 17 inserting “a crime”; and

18 (B) by striking “aggravated felony.” and  
 19 inserting “crime.”; and

20 (4) in subsection (c)(2)(B), by striking “the  
 21 crime or crimes which make the defendant deport-  
 22 able under section 241(a)(2)(A).” and inserting “the  
 23 ground or grounds for removing the alien from the  
 24 United States.”.

1       (b) CLERICAL AMENDMENT.—The table of contents  
2 of the Immigration and Nationality Act is amended by  
3 amending the item relating to section 238 to read as fol-  
4 lows:

“Sec. 238. Expedited removal of aliens convicted of crimes.”.

