

111TH CONGRESS
1ST SESSION

H. R. 1663

To require State and local law enforcement agencies to determine the immigration status of all individuals arrested by such agencies for a felony, to require such agencies to report to the Secretary of Homeland Security when they have arrested for a felony an alien unlawfully present in the United States, to require mandatory Federal detention of such individuals pending removal in cases where they are not otherwise detained, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2009

Mr. DENT (for himself, Mr. LANCE, Mr. PAULSEN, Mr. BILBRAY, Mr. MARCHANT, Mr. WALDEN, Mr. COBLE, Mr. MARSHALL, Mrs. MYRICK, Mr. PLATTS, Mr. LOBIONDO, Mr. SESSIONS, Ms. GINNY BROWN-WAITE of Florida, Mr. POE of Texas, Mrs. CAPITO, Mr. SHULER, Mr. CARNEY, Mr. TIM MURPHY of Pennsylvania, Mr. KIRK, Mr. ROYCE, and Mrs. MILLER of Michigan) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require State and local law enforcement agencies to determine the immigration status of all individuals arrested by such agencies for a felony, to require such agencies to report to the Secretary of Homeland Security when they have arrested for a felony an alien unlawfully present in the United States, to require mandatory Federal detention of such individuals pending removal in cases where they are not otherwise detained, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Justice for the Newark
 5 College Students Act”.

6 **SEC. 2. IDENTIFICATION OF ALIENS UNLAWFULLY**
 7 **PRESENT UPON FELONY ARREST.**

8 (a) AVAILABILITY OF INVESTIGATIVE RESOURCES.—
 9 Section 236(d)(1) of the Immigration and Nationality Act
 10 (8 U.S.C. 1226(d)(1)) is amended—

11 (1) in the matter preceding subparagraph (A),
 12 by striking “Attorney General” and inserting “Sec-
 13 retary of Homeland Security”;

14 (2) in subparagraph (A)—

15 (A) by striking “the Service” and inserting
 16 “the Department of Homeland Security”; and

17 (B) by striking “aggravated felonies” and
 18 inserting “a felony (under the law that is the
 19 basis of the arrest) or an aggravated felony (as
 20 defined in section 101(a)(43))”; and

21 (C) by striking “aliens;” and inserting
 22 “aliens, and to determine whether such individ-
 23 uals are unlawfully present in the United
 24 States;”; and

25 (3) in subparagraph (B)—

1 (A) by striking “the Service” and inserting
2 “the Department of Homeland Security”; and
3 (B) by striking “an aggravated felony;”
4 and inserting “a felony (under the law that is
5 the basis of the arrest) or an aggravated felony
6 (as defined in section 101(a)(43));”.

7 (b) REQUIRED USE OF INVESTIGATIVE RE-
8 SOURCES.—Section 236(d) of the Immigration and Na-
9 tionality Act (8 U.S.C. 1226(d)) is amended by adding
10 at the end the following:

11 “(4)(A) A State or local law enforcement official who
12 arrests an individual for a felony (under the law that is
13 the basis of the arrest)—

14 “(i) shall, through the investigative resources
15 described in paragraph (d)(1)(A), determine whether
16 the individual is an alien unlawfully present in the
17 United States; and

18 “(ii) shall inform the court having jurisdiction
19 over the felony case when the official has determined
20 that the individual is such an alien.

21 “(B) A court described in subparagraph (A)(ii) shall
22 inform the Department of Homeland Security of the dis-
23 position of a felony case described in such subparagraph.”.

1 **SEC. 3. FEDERAL DETENTION OF UNLAWFULLY PRESENT**
2 **ALIENS.**

3 (a) CUSTODY.—Section 236(c)(1) of the Immigration
4 and Nationality Act (8 U.S.C. 1226(c)(1)) is amended—

5 (1) in subparagraph (C), by striking “or” at
6 the end;

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

9 (3) by inserting after subparagraph (D) the fol-
10 lowing:

11 “(E) has been determined under subsection
12 (d)(4)(A) to be an alien unlawfully present in
13 the United States,”.

14 (b) RELEASE.—Section 236(c)(2) of the Immigration
15 and Nationality Act (8 U.S.C. 1226(c)(2)) is amended by
16 adding at the end “Notwithstanding any other provision
17 of this paragraph, an alien taken into custody under para-
18 graph (1)(E) may not be released except in furtherance
19 of the felony case described in subsection (d)(4)(B).”

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