

114TH CONGRESS
1ST SESSION

S. 1812

To protect public safety by incentivizing State and local law enforcement to cooperate with Federal immigration law enforcement to prevent the release of criminal aliens into communities.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2015

Mr. GRASSLEY (for himself, Mr. BARRASSO, and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To protect public safety by incentivizing State and local law enforcement to cooperate with Federal immigration law enforcement to prevent the release of criminal aliens into communities.

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 “Improving Cooperation
5 with States and Local Governments and Preventing the
6 Catch and Release of Criminal Aliens Act of 2015”.

7 **SEC. 2. DEFINITIONS.**

8 For purposes of this Act:

1 (1) CRIMINAL ALIEN.—The term “criminal
2 alien” means any alien who—

3 (A) was arrested, charged, or convicted of
4 an offense described in section 101(a)(43) of
5 the Immigration and Nationality Act (8 U.S.C.
6 1101(a)(43));

7 (B) is described in paragraph (2), (3),
8 (9)(A), (9)(C)(i)(II), or (10)(C) of section
9 212(a) of such Act (8 U.S.C. 1182(a));

10 (C) is removable under paragraph (2) or
11 (4) of section 237(a) of such Act (8 U.S.C.
12 1227(a));

13 (D) is described in section 276 of such Act
14 (8 U.S.C. 1326); or

15 (E) was arrested, charged, or convicted of
16 any felony or misdemeanor offense relating to
17 driving under the influence of alcohol or drugs.

18 (2) SANCTUARY JURISDICTION.—The term
19 “sanctuary jurisdiction” means a State or a political
20 subdivision of a State that has in effect a statute,
21 policy, or practice that prohibits law enforcement of-
22 ficers of the State, or of the political subdivision,
23 from assisting or cooperating with Federal immigra-
24 tion law enforcement in the course of carrying out
25 the officers’ routine law enforcement duties.

1 **SEC. 3. LIMITS ON FEDERAL FUNDING FOR STATE AND**
2 **LOCAL JURISDICTIONS.**

3 (a) IN GENERAL.—A jurisdiction may not receive any
4 of the funding described in subsection (b) if the jurisdic-
5 tion does not cooperate with Federal officials with respect
6 to criminal aliens or other aliens deemed to be a priority
7 for removal by the Secretary of Homeland Security, in-
8 cluding by refusing—

9 (1) to detain or transfer custody of such aliens
10 pursuant to detainers placed upon such aliens; or

11 (2) to notify a Federal law enforcement agency,
12 upon request, of the release of such aliens.

13 (b) RESTRICTED FUNDING.—The funding described
14 in this subsection consists of—

15 (1) any of the funds that would otherwise be al-
16 located to the State or political subdivision under
17 section 241(i) of the Immigration and Nationality
18 Act (8 U.S.C. 1231(i));

19 (2) any grant funding authorized under the
20 Second Chance Act of 2007 (Public Law 110–199);
21 and

22 (3) any other law enforcement related grants or
23 contracts awarded by the Department of Homeland
24 Security or Department of Justice, which may be
25 designated by the relevant Secretary or the Attorney
26 General.

1 (c) TERMINATION OF INELIGIBILITY.—A jurisdiction
2 shall become eligible to receive funds, grants, or contracts
3 described in subsection (b) after the Secretary of Home-
4 land Security, in consultation with the Attorney General,
5 certifies that—

6 (1) the jurisdiction no longer fails to cooperate
7 with Federal officials regarding detentions, trans-
8 fers, and notifications described in subsection (a);
9 and

10 (2) the statute, policy, or practice of that State
11 or political subdivision prohibiting law enforcement
12 officers from assisting or cooperating with Federal
13 immigration law enforcement with respect to crimi-
14 nal aliens has been repealed, rescinded, or termi-
15 nated.

16 (d) REALLOCATION.—Any funds that are withheld
17 from a jurisdiction pursuant to this section shall be reallo-
18 cated by the Secretary of Homeland Security or by the
19 Attorney General, in consultation with each other, equally
20 among—

21 (1) States and political subdivisions of States,
22 which—

23 (A) cooperate with Federal officials regard-
24 ing the detentions, transfers, and notifications
25 described subsection (a); and

1 (B) submit an application to the appro-
2 priate Department for such unobligated funds;
3 and

4 (2) any statutorily authorized Federal grant
5 program designed to protect victims of violence.

6 **SEC. 4. TRANSPARENCY AND ACCOUNTABILITY.**

7 (a) ANNUAL PUBLICATION.—Not later than 60 days
8 after the date of the enactment of this Act and annually
9 thereafter, the Secretary of Homeland Security and the
10 Attorney General shall jointly publish, on the websites of
11 their respective departments—

12 (1) a list of sanctuary jurisdictions; and

13 (2) a list of jurisdictions that do not grant Fed-
14 eral immigration law enforcement officers regular
15 access to jails or detention facilities.

16 (b) PUBLIC DISCLOSURE OF DETAINERS OR RE-
17 QUESTS FOR NOTIFICATION.—Not later than 60 days
18 after the date of the enactment of this Act, and quarterly
19 thereafter, the Secretary of Homeland Security shall pub-
20 lish, on the website of the Department of Homeland Secu-
21 rity—

22 (1) the total number of detainers and requests
23 for notification of the release of any alien that has
24 been issued to each State or political subdivision;
25 and

1 (2) the number of such detainers, and requests
2 for notification that have been ignored or otherwise
3 not honored.

4 **SEC. 5. INCREASE IN PENALTY FOR REENTRY BY REMOVED**
5 **ALIEN.**

6 Section 276(a) of the Immigration and Nationality
7 Act (8 U.S.C. 1326(a)) is amended, in the undesignated
8 matter following paragraph (2)(B), by striking “shall be
9 fined under title 18, United States Code, or imprisoned
10 not more than 2 years, or both” and inserting “shall be
11 imprisoned for not less than 5 years and may also be fined
12 under title 18, United States Code”.

13 **SEC. 6. SAVINGS PROVISIONS.**

14 Nothing in this Act may be construed—

15 (1) to require law enforcement officials of a
16 State or a political subdivision of a State to report
17 or arrest victims or witnesses of a criminal offense;
18 or

19 (2) to limit the ability of State and local law en-
20 forcement to cooperate with Federal immigration
21 law enforcement with regard to aliens who are not
22 criminal aliens.

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