

114TH CONGRESS  
2D SESSION

# S. 3276

To make habitual drunk drivers inadmissible and removable and to require the detention of any alien who is unlawfully present in the United States and has been charged with driving under the influence or driving while intoxicated.

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## IN THE SENATE OF THE UNITED STATES

JULY 14, 2016

Mr. GRASSLEY (for himself, Mrs. ERNST, Mr. LEE, Mr. WICKER, Mr. VITTER, Mr. HATCH, Mr. MORAN, Mr. PERDUE, Mr. INHOFE, and Mr. SESSIONS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To make habitual drunk drivers inadmissible and removable and to require the detention of any alien who is unlawfully present in the United States and has been charged with driving under the influence or driving while intoxicated.

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 “Taking Action Against  
5 Drunk Drivers Act”.

1 **SEC. 2. MANDATORY DETENTION FOR DRUNK DRIVERS.**

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

4 (1) in subparagraphs (A) and (B), by striking  
5 the comma at the end of each subparagraph and in-  
6 serting a semicolon;

7 (2) in subparagraph (C)—

8 (A) by striking “sentence” and inserting  
9 “sentenced”; and

10 (B) by striking “, or” and inserting a  
11 semicolon;

12 (3) in subparagraph (D), by striking the comma  
13 at the end and inserting “; or”; and

14 (4) by inserting after subparagraph (D) the fol-  
15 lowing:

16 “(E)(i)(I) was not inspected and admitted  
17 into the United States;

18 “(II) held a nonimmigrant visa (or other  
19 documentation authorizing admission into the  
20 United States as a nonimmigrant) that has  
21 been revoked under section 221(i); or

22 “(III) is described in section  
23 237(a)(1)(C)(i); and

24 “(ii) has a pending charge, by a pros-  
25 ecuting authority in the United States, of driv-  
26 ing under the influence or driving while intoxi-

1 cated, under Federal or State law, regardless of  
2 whether the offense is classified as a felony or  
3 a misdemeanor,”.

4 **SEC. 3. BANNING HABITUAL DRUNK DRIVERS FROM THE**  
5 **UNITED STATES.**

6 (a) **GROUND** **S FOR** **INADMISSIBILITY.**—Section  
7 212(a)(2) of the Immigration and Nationality Act (8  
8 U.S.C. 1182(a)(2)) is amended—

9 (1) by redesignating subparagraph (F) as sub-  
10 subparagraph (J) and placing it after subparagraph (I);  
11 and

12 (2) by inserting after subparagraph (E) the fol-  
13 lowing:

14 “(F) **HABITUAL DRUNK DRIVERS.**—An  
15 alien convicted of 3 or more offenses for driving  
16 under the influence or driving while intoxicated,  
17 under Federal or State law, regardless of  
18 whether the offenses are classified as felonies or  
19 misdemeanors, is inadmissible.”.

20 (b) **GROUND** **S FOR** **DEPORTATION.**—Section  
21 237(a)(2) of the Immigration and Nationality Act (8  
22 U.S.C. 1227(a)(2)) is amended by adding at the end the  
23 following:

24 “(G) **HABITUAL DRUNK DRIVERS.**—An  
25 alien convicted of 3 or more offenses for driving

1 under the influence or driving while intoxicated,  
2 under Federal or State law, regardless of  
3 whether the offenses are classified as felonies or  
4 misdemeanors, is deportable if at least one of  
5 such offenses occurred after the date of the en-  
6 actment of the Taking Action Against Drunk  
7 Drivers Act.”.

8 (c) DEFINITION OF AGGRAVATED FELONY.—

9 (1) IN GENERAL.—Section 101(a)(43)(F) of the  
10 Immigration and Nationality Act (8 U.S.C.  
11 1101(a)(43)(F)) is amended by striking “for which  
12 the term of imprisonment” and inserting “, includ-  
13 ing a third conviction for driving under the influence  
14 or driving while intoxicated, under Federal or State  
15 law, regardless of whether the offense is classified as  
16 a felony or a misdemeanor, for which the term of  
17 imprisonment is”.

18 (2) EFFECTIVE DATE; APPLICATION.—

19 (A) EFFECTIVE DATE.—The amendment  
20 made by paragraph (1) shall take effect on the  
21 date of the enactment of this Act.

22 (B) APPLICATION.—

23 (i) IN GENERAL.—Except as provided  
24 in clause (ii), the amendment made by  
25 paragraph (1) shall apply to a conviction

1 for driving under the influence of alcohol  
2 or drugs that occurred before, on, or after  
3 such date of enactment.

4 (ii) TWO OR MORE PRIOR CONVIC-  
5 TIONS.—An alien who received 2 or more  
6 convictions for driving under the influence  
7 of alcohol or drugs before the date of the  
8 enactment of this Act may not be subject  
9 to removal for the commission of an aggra-  
10 vated felony pursuant to section  
11 237(a)(2)(A)(iii) of the Immigration and  
12 Nationality Act (8 U.S.C.  
13 1227(a)(2)(A)(iii)) on the basis of such  
14 convictions until the date on which the  
15 alien is convicted of another such offense  
16 after such date of enactment.

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