

117TH CONGRESS
1ST SESSION

S. 80

To require U.S. Immigration and Customs Enforcement to take into custody certain aliens who have been charged in the United States with a crime that resulted in the death or serious bodily injury of another person, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2021

Ms. ERNST (for herself, Mr. GRASSLEY, Mr. SASSE, Mrs. FISCHER, Mr. CORNYN, Mrs. BLACKBURN, Mr. COTTON, Mr. CRUZ, Mr. THUNE, Mr. LEE, Mr. INHOFE, Mr. MORAN, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mr. TILLIS, Mrs. HYDE-SMITH, Mr. CRAMER, Mr. BRAUN, Mr. BLUNT, and Ms. LUMMIS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require U.S. Immigration and Customs Enforcement to take into custody certain aliens who have been charged in the United States with a crime that resulted in the death or serious bodily injury of another person, 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 “Sarah’s Law”.

1 **SEC. 2. MANDATORY DETENTION OF CERTAIN ALIENS**
 2 **CHARGED WITH A CRIME RESULTING IN**
 3 **DEATH OR SERIOUS BODILY INJURY.**

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

6 (1) in paragraph (1)—

7 (A) in subparagraphs (A) and (B), by
 8 striking the comma at the end of each subpara-
 9 graph and inserting a semicolon;

10 (B) in subparagraph (C)—

11 (i) by striking “sentence” and insert-
 12 ing “sentenced”; and

13 (ii) by striking “, or” and inserting a
 14 semicolon;

15 (C) in subparagraph (D), by striking the
 16 comma at the end and inserting “; or”; and

17 (D) by inserting after subparagraph (D)
 18 the following:

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

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 24 been revoked under section 221(i); or

25 “(III) is described in section
 26 237(a)(1)(C)(i); and

“(ii) has been charged by a prosecuting authority in the United States with any crime that resulted in the death or serious bodily injury (as defined in section 1365(h)(3) of title 18, United States Code) of another person,”; and

(2) by adding at the end the following:

“(3) NOTIFICATION REQUIREMENT.—Upon encountering or gaining knowledge of an alien described in paragraph (1), the Assistant Secretary of Homeland Security for Immigration and Customs Enforcement shall make reasonable efforts—

“(A) to obtain information from law enforcement agencies and from other available sources regarding the identity of any victims of the crimes for which such alien was charged or convicted; and

“(B) to provide the victim or, if the victim is deceased, a parent, guardian, spouse, or closest living relative of such victim, with information, on a timely and ongoing basis, including—

“(i) the alien’s full name, aliases, date of birth, and country of nationality;

“(ii) the alien’s immigration status and criminal history;

1 “(iii) the alien’s custody status and
2 any changes related to the alien’s custody;
3 and

4 “(iv) a description of any efforts by
5 the United States Government to remove
6 the alien from the United States.”.

7 **SEC. 3. SAVINGS PROVISION.**

8 Nothing in this Act, or the amendments made by this
9 Act, may be construed to limit the rights of crime victims
10 under any other provision of law, including section 3771
11 of title 18, United States Code.

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