

114TH CONGRESS
2D SESSION

S. _____

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.

IN THE SENATE OF THE UNITED STATES

Mr. GRASSLEY introduced the following bill; which was read twice and referred to the Committee on _____

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21 been revoked under section 221(i); or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 1 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.