

119TH CONGRESS
1ST SESSION

S. _____

To require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, 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 “Laken Riley Act”.

5 **SEC. 2. DETENTION OF CERTAIN ALIENS WHO COMMIT**
6 **THEFT.**

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

9 (1) in paragraph (1)—

1 (A) in subparagraph (C), by striking “or”;

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

4 (C) by inserting after subparagraph (D)
5 the following:

6 “(E)(i) is inadmissible under paragraph
7 (6)(A), (6)(C), or (7) of section 212(a); and

8 “(ii) is charged with, is arrested for, is
9 convicted of, admits having committed, or ad-
10 mits committing acts which constitute the es-
11 sential elements of any burglary, theft, larceny,
12 or shoplifting offense,”;

13 (2) by redesignating paragraph (2) as para-
14 graph (4); and

15 (3) by inserting after paragraph (1) the fol-
16 lowing:

17 “(2) DEFINITION.—For purposes of paragraph
18 (1)(E), the terms ‘burglary’, ‘theft’, ‘larceny’, and
19 ‘shoplifting’ have the meaning given such terms in
20 the jurisdiction in which the acts occurred.

21 “(3) DETAINER.—The Secretary of Homeland
22 Security shall issue a detainer for an alien described
23 in paragraph (1)(E) and, if the alien is not other-
24 wise detained by Federal, State, or local officials,

1 shall effectively and expeditiously take custody of the
2 alien.”.

3 **SEC. 3. ENFORCEMENT BY ATTORNEY GENERAL OF A**
4 **STATE.**

5 (a) INSPECTION OF APPLICANTS FOR ADMISSION.—
6 Section 235(b) of the Immigration and Nationality Act (8
7 U.S.C. 1225(b)) is amended—

8 (1) by redesignating paragraph (3) as para-
9 graph (4); and

10 (2) by inserting after paragraph (2) the fol-
11 lowing:

12 “(3) ENFORCEMENT BY ATTORNEY GENERAL
13 OF A STATE.—The attorney general of a State, or
14 other authorized State officer, alleging a violation of
15 the detention and removal requirements under para-
16 graph (1) or (2) that harms such State or its resi-
17 dents shall have standing to bring an action against
18 the Secretary of Homeland Security on behalf of
19 such State or the residents of such State in an ap-
20 propriate district court of the United States to ob-
21 tain appropriate injunctive relief. The court shall ad-
22 vance on the docket and expedite the disposition of
23 a civil action filed under this paragraph to the great-
24 est extent practicable. For purposes of this para-
25 graph, a State or its residents shall be considered to

1 have been harmed if the State or its residents expe-
2 rience harm, including financial harm in excess of
3 \$100.”.

4 (b) APPREHENSION AND DETENTION OF ALIENS.—
5 Section 236 of the Immigration and Nationality Act (8
6 U.S.C. 1226), as amended by this Act, is further amend-
7 ed—

8 (1) in subsection (e)—

9 (A) by striking “or release”; and

10 (B) by striking “grant, revocation, or de-
11 nial” and insert “revocation or denial”; and

12 (2) by adding at the end the following:

13 “(f) ENFORCEMENT BY ATTORNEY GENERAL OF A
14 STATE.—The attorney general of a State, or other author-
15 ized State officer, alleging an action or decision by the
16 Attorney General or Secretary of Homeland Security
17 under this section to release any alien or grant bond or
18 parole to any alien that harms such State or its residents
19 shall have standing to bring an action against the Attor-
20 ney General or Secretary of Homeland Security on behalf
21 of such State or the residents of such State in an appro-
22 priate district court of the United States to obtain appro-
23 priate injunctive relief. The court shall advance on the
24 docket and expedite the disposition of a civil action filed
25 under this subsection to the greatest extent practicable.

1 For purposes of this subsection, a State or its residents
2 shall be considered to have been harmed if the State or
3 its residents experience harm, including financial harm in
4 excess of \$100.”.

5 (c) PENALTIES.—Section 243 of the Immigration
6 and Nationality Act (8 U.S.C. 1253) is amended by add-
7 ing at the end the following:

8 “(e) ENFORCEMENT BY ATTORNEY GENERAL OF A
9 STATE.—The attorney general of a State, or other author-
10 ized State officer, alleging a violation of the requirement
11 to discontinue granting visas to citizens, subjects, nation-
12 als, and residents as described in subsection (d) that
13 harms such State or its residents shall have standing to
14 bring an action against the Secretary of State on behalf
15 of such State or the residents of such State in an appro-
16 priate district court of the United States to obtain appro-
17 priate injunctive relief. The court shall advance on the
18 docket and expedite the disposition of a civil action filed
19 under this subsection to the greatest extent practicable.
20 For purposes of this subsection, a State or its residents
21 shall be considered to have been harmed if the State or
22 its residents experience harm, including financial harm in
23 excess of \$100.”.

1 (d) CERTAIN CLASSES OF ALIENS.—Section
2 212(d)(5) of the Immigration and Nationality Act (8
3 U.S.C. 1182(d)(5)) is amended—

4 (1) by striking “Attorney General” each place
5 such term appears and inserting “Secretary of
6 Homeland Security”; and

7 (2) by adding at the end the following:

8 “(C) The attorney general of a State, or other au-
9 thorized State officer, alleging a violation of the limitation
10 under subparagraph (A) that parole solely be granted on
11 a case-by-case basis and solely for urgent humanitarian
12 reasons or a significant public benefit, that harms such
13 State or its residents shall have standing to bring an ac-
14 tion against the Secretary of Homeland Security on behalf
15 of such State or the residents of such State in an appro-
16 priate district court of the United States to obtain appro-
17 priate injunctive relief. The court shall advance on the
18 docket and expedite the disposition of a civil action filed
19 under this subparagraph to the greatest extent prac-
20 ticable. For purposes of this subparagraph, a State or its
21 residents shall be considered to have been harmed if the
22 State or its residents experience harm, including financial
23 harm in excess of \$100.”.

1 (e) DETENTION.—Section 241(a)(2) of the Immigra-
2 tion and Nationality Act (8 U.S.C. 1231(a)(2)) is amend-
3 ed—

4 (1) by striking “During the removal period,”
5 and inserting the following:

6 “(A) IN GENERAL.—During the removal
7 period,”; and

8 (2) by adding at the end the following:

9 “(B) ENFORCEMENT BY ATTORNEY GEN-
10 ERAL OF A STATE.—The attorney general of a
11 State, or other authorized State officer, alleging
12 a violation of the detention requirement under
13 subparagraph (A) that harms such State or its
14 residents shall have standing to bring an action
15 against the Secretary of Homeland Security on
16 behalf of such State or the residents of such
17 State in an appropriate district court of the
18 United States to obtain appropriate injunctive
19 relief. The court shall advance on the docket
20 and expedite the disposition of a civil action
21 filed under this subparagraph to the greatest
22 extent practicable. For purposes of this sub-
23 paragraph, a State or its residents shall be con-
24 sidered to have been harmed if the State or its

1 residents experience harm, including financial
2 harm in excess of \$100.”.

3 (f) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)
4 of the Immigration and Nationality Act (8 U.S.C.
5 1252(f)) is amended by adding at the end following:

6 “(3) CERTAIN ACTIONS.—Paragraph (1) shall
7 not apply to an action brought pursuant to section
8 235(b)(3), subsections (e) or (f) of section 236, or
9 section 241(a)(2)(B).”.