AMENDMENT NO. 1355
By Coburn
To: S. 744
Referred

AMENDMENT intended to be proposed by Mr. COBURN

Viz:

1. At the appropriate place, insert the following:

2. SEC. ___. REMOVAL OF CRIMINAL ALIENS.

3. (a) SHORT TITLE.—This section may be cited as the “Criminal Alien Removal Act of 2013”.

4. (b) DEFINITIONS.—In this section:

5. (1) CRIMINAL ALIEN.—Except as otherwise provided, the term “criminal alien” means an alien who—

6. (A) is inadmissible by reason of having committed any offense covered in section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 182(a)(2));
(B) is deportable by reason of having committed any offense covered in subparagraph
(A)(ii), (A)(iii), (B), (C), or (D) of section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2));
(C) is deportable under section 237(a)(2)(A)(i) of such Act (8 U.S.C. 1227(a)(2)(A)(i)) on the basis of an offense for which the alien has been sentenced to a term of imprisonment of at least 1 year; or

(2) CRIMINAL ALIEN PROGRAM.—The term “Criminal Alien Program” means the Criminal Alien Program required by subsection (c).

c) CRIMINAL ALIEN PROGRAM.—
(1) REQUIREMENT FOR CRIMINAL ALIEN PROGRAM.—The Secretary shall carry out a program known as the “Criminal Alien Program” for the purposes described in paragraph (2).
(2) PURPOSES.—The purposes of the Criminal Alien Program are to—
(A) identify criminal aliens who are incarcerated in a Federal, State, or local correctional facility;

(B) ensure that such aliens are not released into the community upon the alien's release from such incarceration, without regard to whether the alien is released on parole, supervised release, or probation; and

(C) remove such aliens from the United States upon such release.

(3) TECHNOLOGY USAGE.—To carry out the Criminal Alien Program in remote locations, the Secretary shall, to the maximum extent practicable—

(A) employ technology, such as videoconferencing in such locations if necessary;

(B) utilize mobile access to Federal databases of aliens, including existing systems and new integrated data system required by this Act; and

(C) utilize electronic Livescan fingerprinting technology in order to make such resources available to State and local law enforcement agencies in such locations.
Participation by States and Localities.—

(A) In general.—Notwithstanding any other provision of law, a State or locality shall not be eligible to receive funds pursuant to a program described in subparagraph (B) unless the appropriate officials of such State or locality—

(i) cooperate with the Secretary to carry out the Criminal Alien Program;

(ii) expeditiously and systematically identify criminal aliens who are incarcerated in a prison or jail located in such State or locality; and

(iii) promptly convey the information collected under clause (ii) to the Secretary to carry out the Criminal Alien Program.

(B) Programs.—The programs described in this subparagraph are any law enforcement grant program carried out by personnel of any element of the Department of Justice, including the program described in section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)).
(C) OTHER AUTHORITIES.—To assist States and localities in participating in the Criminal Alien Program, appropriate officials of a State or locality—

(i) are authorized to hold an illegal alien for a period of up to 14 days after the date such alien completes a term of incarceration within the State or locality in order to effectuate the transfer of such alien to Federal custody if the alien is removable or not lawfully present in the United States; and

(ii) are authorized to issue a detainer that would allow an alien who completes a term of incarceration within the State or locality to be detained by the State or local prison until personnel from U.S. Immigration and Customs Enforcement is able to take the alien into custody.

(5) EVALUATION OF INCARCERATED ALIEN POPULATIONS.—The Secretary, acting in conjunction with the Attorney General and the appropriate officials of the States and localities, as appropriate, shall carry out the Criminal Alien Program as follows:
(A) Not later than 1 year after the date of
the enactment of this Act, identify each crimi-
nal aliens who—

(i) is incarcerated in a Federal correc-
tional facility; and

(ii) will be deportable or removable
upon release from such incarceration.

(B) Not later than 3 years after such date
of enactment, identify each criminal alien
who—

(i) is incarcerated in State or local
correctional facility;

(ii) is serving a term of 3 or more
years; and

(iii) will be deportable or removable
upon release from such incarceration.

(d) REMOVAL OF IDENTIFIED CRIMINAL ALIENS.—
Criminal aliens who are incarcerated and identified as de-
portable or removable under subsection (c)(5) shall be or-
dered removed and deported within 90 days.

(e) REDENOMINATION.—

(1) IN GENERAL.—Section 642 of the Illegal
Immigration Reform and Immigrant Responsibility
Act of 1996 (8 U.S.C. 1373) is—
(A) redesignated as section 295 of the Immigration and Nationality Act; and

(B) inserted into such Act after section 294 of such Act.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by adding after the item related to section 294 the following:

"Sec. 295. Communication between government agencies and the Immigration and Naturalization Service."

(f) REPORTS TO CONGRESS.—The Secretary shall submit to Congress reports on the implementation of the Criminal Alien Program and the other provisions of this section, including the Secretary’s progress in meeting the deadlines set out in subsection (c)(5) as follows:

(1) An initial report not later than 60 days after the deadline described in subsection (c)(5)(A).

(2) A second report not later than 60 days after the deadline described in subsection (c)(5)(B).

(3) An annual report thereafter.