

Tom Coburn
S.L.C.

JUN 19 2013

AMENDMENT NO. _____ Calendar No. _____

Purpose: To identify and remove criminal aliens incarcerated in correctional facilities in the United States.

IN THE SENATE

	AMENDMENT N^o	1355
By _____	<i>Coburn</i>	
To provide _____	To: _____	
Referred _____	<i>S. 744</i>	
Of _____	<i>7</i>	
	Page(s)	

GPO: 2012 77-320 (mac)

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
- 4 “Criminal Alien Removal Act of 2013”.
- 5 (b) DEFINITIONS.—In this section:
- 6 (1) CRIMINAL ALIEN.—Except as otherwise
- 7 provided, the term “criminal alien” means an alien
- 8 who—
- 9 (A) is inadmissible by reason of having
- 10 committed any offense covered in section
- 11 212(a)(2) of the Immigration and Nationality
- 12 Act (8 U.S.C. 182(a)(2));

1 (B) is deportable by reason of having com-
2 mitted any offense covered in subparagraph
3 (A)(ii), (A)(iii), (B), (C), or (D) of section
4 237(a)(2) of such Act (8 U.S.C. 1227(a)(2));

5 (C) is deportable under section
6 237(a)(2)(A)(i) of such Act (8 U.S.C.
7 1227(a)(2)(A)(i)) on the basis of an offense for
8 which the alien has been sentenced to a term of
9 imprisonment of at least 1 year; or

10 (D) is inadmissible under section
11 212(a)(3)(B) (8 U.S.C. 1182(a)(3)(B)) or de-
12 portable under section 237(a)(4)(B) (8 U.S.C.
13 1227 (a)(4)(B)).

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

17 (c) CRIMINAL ALIEN PROGRAM.—

18 (1) REQUIREMENT FOR CRIMINAL ALIEN PRO-
19 GRAM.—The Secretary shall carry out a program
20 known as the “Criminal Alien Program” for the pur-
21 poses described in paragraph (2).

22 (2) PURPOSES.—The purposes of the Criminal
23 Alien Program are to—

1 (A) identify criminal aliens who are incar-
2 cerated in a Federal, State, or local correctional
3 facility;

4 (B) ensure that such aliens are not re-
5 leased into the community upon the alien's re-
6 lease from such incarceration, without regard to
7 whether the alien is released on parole, super-
8 vised release, or probation; and

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

11 (3) TECHNOLOGY USAGE.—To carry out the
12 Criminal Alien Program in remote locations, the
13 Secretary shall, to the maximum extent prac-
14 ticable—

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

17 (B) utilize mobile access to Federal data-
18 bases of aliens, including existing systems and
19 new integrated data system required by this
20 Act; and

21 (C) utilize electronic Livescan
22 fingerprinting technology in order to make such
23 resources available to State and local law en-
24 forcement agencies in such locations.

1 (4) PARTICIPATION BY STATES AND LOCAL-
2 ITIES.—

3 (A) IN GENERAL.—Notwithstanding any
4 other provision of law, a State or locality shall
5 not be eligible to receive funds pursuant to a
6 program described in subparagraph (B) unless
7 the appropriate officials of such State or local-
8 ity—

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

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

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

18 (B) PROGRAMS.—The programs described
19 in this subparagraph are any law enforcement
20 grant program carried out by personnel of any
21 element of the Department of Justice, including
22 the program described in section 241(i) of the
23 Immigration and Nationality Act (8 U.S.C.
24 1231(i)).

1 (C) OTHER AUTHORITIES.—To assist
2 States and localities in participating in the
3 Criminal Alien Program, appropriate officials of
4 a State or locality—

5 (i) are authorized to hold an illegal
6 alien for a period of up to 14 days after
7 the date such alien completes a term of in-
8 carceration within the State or locality in
9 order to effectuate the transfer of such
10 alien to Federal custody if the alien is re-
11 movable or not lawfully present in the
12 United States; and

13 (ii) are authorized to issue a detainer
14 that would allow an alien who completes a
15 term of incarceration within the State or
16 locality to be detained by the State or local
17 prison until personnel from U.S. Immigra-
18 tion and Customs Enforcement is able to
19 take the alien into custody.

20 (5) EVALUATION OF INCARCERATED ALIEN
21 POPULATIONS.—The Secretary, acting in conjunc-
22 tion with the Attorney General and the appropriate
23 officials of the States and localities, as appropriate,
24 shall carry out the Criminal Alien Program as fol-
25 lows:

1 (A) Not later than 1 year after the date of
2 the enactment of this Act, identify each crimi-
3 nal aliens who—

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

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

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

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

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

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

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

21 (e) REDESIGNATION.—

22 (1) IN GENERAL.—Section 642 of the Illegal
23 Immigration Reform and Immigrant Responsibility
24 Act of 1996 (8 U.S.C. 1373) is—

1 (A) redesignated as section 295 of the Im-
2 migration and Nationality Act; and

3 (B) inserted into such Act after section
4 294 of such Act.

5 (2) TABLE OF CONTENTS AMENDMENT.—The
6 table of contents in the first section of the Immigra-
7 tion and Nationality Act is amended by adding after
8 the item related to section 294 the following:

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

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

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

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

18 (3) An annual report thereafter.