

106TH CONGRESS
2^D SESSION

H. R. 5379

To amend the Immigration and Nationality Act to clarify the provisions applicable to arrest, detention, and release of criminal aliens pending removal decisions.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 2000

Mr. SMITH of Texas introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to clarify the provisions applicable to arrest, detention, and release of criminal aliens pending removal decisions.

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. DETENTION AND RELEASE OF CRIMINAL**
4 **ALIENS PENDING REMOVAL DECISION.**

5 (a) ARREST AND DETENTION.—

6 (1) IN GENERAL.—Section 236(c)(1) of the Im-
7 migration and Nationality Act (8 U.S.C. 1226(c)(1))
8 is amended—

1 (A) by striking the matter preceding sub-
2 paragraph (A) and inserting the following:

3 “(1) ARREST AND DETENTION.—On a warrant
4 issued by the Attorney General, an alien shall be ar-
5 rested and detained pending a decision on whether
6 the alien is to be removed from the United States
7 if the Attorney General alleges that the alien—”;

8 (B) in subparagraph (D), by striking the
9 comma at the end and inserting a period; and

10 (C) by striking the matter following sub-
11 paragraph (D) and adding at the end the fol-
12 lowing:

13 “Nothing in this paragraph shall be construed as re-
14 quiring the Attorney General to arrest or detain an
15 alien who is sentenced to a term of imprisonment
16 until the alien is released from imprisonment, but
17 parole, supervised release, probation, or possibility of
18 arrest or further imprisonment is not a reason for
19 the Attorney General to defer arrest and detention
20 under this paragraph.”.

21 (2) EFFECTIVE DATE.—The amendments made
22 by paragraph (1) shall apply to aliens who are in
23 proceedings under the Immigration and Nationality
24 Act on or after the date of the enactment of this Act

1 if those proceedings have not resulted in a final ad-
2 ministrative order before such date.

3 (b) RELEASE.—

4 (1) IN GENERAL.—Section 236(c)(2) of the Im-
5 migration and Nationality Act (8 U.S.C. 1226(c)(2))
6 is amended by adding at the end the following:
7 “The Attorney General may release an alien under
8 this paragraph only on bond of at least \$2,000 with
9 security approved by, and containing conditions pre-
10 scribed by, the Attorney General.”.

11 (2) EFFECTIVE DATE.—The amendment made
12 by paragraph (1) shall apply to releases occurring on
13 or after the date of the enactment of this Act.

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