

112TH CONGRESS
1ST SESSION

H. R. 932

To identify and remove criminal aliens incarcerated in correctional facilities
in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2011

Mr. ROONEY introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To identify and remove criminal aliens incarcerated in correc-
tional facilities in the United States, and for other pur-
poses.

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 “Criminal Alien Re-
5 moval Act of 2011”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

1 (A) is inadmissible by reason of having
 2 committed any offense covered in section
 3 212(a)(2) of the Immigration and Nationality
 4 Act (8 U.S.C. 182(a)(2));

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

9 (C) is deportable under section
 10 237(a)(2)(A)(i) of such Act (8 U.S.C.
 11 1227(a)(2)(A)(i)) on the basis of an offense for
 12 which the alien has been sentenced to a term of
 13 imprisonment of at least 1 year; or

14 (D) is inadmissible under section
 15 212(a)(3)(B) (8 U.S.C. 1182(a)(3)(B)) or de-
 16 portable under section 237(a)(4)(B) (8 U.S.C.
 17 1227(a)(4)(B)).

18 (2) CRIMINAL ALIEN PROGRAM.—The term
 19 “Criminal Alien Program” means the Criminal Alien
 20 Program required by section 3.

21 (3) SECRETARY.—The term “Secretary” means
 22 the Secretary of Homeland Security.

23 **SEC. 3. CRIMINAL ALIEN PROGRAM.**

24 (a) REQUIREMENT FOR CRIMINAL ALIEN PRO-
 25 GRAM.—The Secretary shall carry out a program known

1 as the “Criminal Alien Program” for the purposes de-
2 scribed in subsection (b).

3 (b) PURPOSES.—The purposes of the Criminal Alien
4 Program are to—

5 (1) identify criminal aliens who are incarcerated
6 in a Federal, State, or local correctional facility;

7 (2) ensure that such aliens are not released into
8 the community upon the alien’s release from such
9 incarceration, without regard to whether the alien is
10 released on parole, supervised release, or probation,
11 and without regard to whether the alien may be ar-
12 rested or imprisoned again for the same offense; and

13 (3) remove such aliens from the United States
14 upon such release.

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

18 (1) employ technology, such as videoconferenc-
19 ing in such locations;

20 (2) utilize mobile access to Federal databases of
21 aliens, such as the Automated Biometric Fingerprint
22 Identification System (IDENT); and

23 (3) utilize electronic Livescan fingerprinting
24 technology in order to make such resources available

1 to State and local law enforcement agencies in such
2 locations.

3 (d) PARTICIPATION BY STATES.—

4 (1) IN GENERAL.—Notwithstanding any other
5 provision of law, a State shall not be eligible to re-
6 ceive funds pursuant to a program described in
7 paragraph (2) unless the appropriate officials of
8 such State—

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

11 (B) expeditiously and systematically iden-
12 tify criminal aliens who are incarcerated in a
13 prison or jail located in such State; and

14 (C) promptly convey the information col-
15 lected under subparagraph (B) to the Secretary
16 to carry out the Criminal Alien Program.

17 (2) PROGRAMS.—The programs described in
18 this section are any law enforcement grant program
19 carried out by personnel of any element of the De-
20 partment of Justice, including the program de-
21 scribed in section 241(i) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1231(i)).

23 (3) OTHER AUTHORITIES.—To assist States in
24 participating in the Criminal Alien Program, appro-
25 priate officials of a State—

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

8 (B) are authorized to issue a detainer that
9 would allow an alien who completes a term of
10 incarceration within the State to be detained by
11 the State prison until personnel from U.S. Im-
12 migration and Customs Enforcement is able to
13 take the alien into custody.

14 (e) EVALUATION OF INCARCERATED ALIEN POPU-
15 LATIONS.—The Secretary, acting in conjunction with the
16 Attorney General and the appropriate officials of the
17 States, as appropriate, shall carry out the Criminal Alien
18 Program as follows:

19 (1) Not later than December 31, 2012, identify
20 each criminal alien who—

21 (A) is incarcerated in a Federal correc-
22 tional facility; and

23 (B) will be deportable or removable upon
24 release from such incarceration.

1 (2) Not later than December 31, 2014, identify
2 each criminal alien who—

3 (A) is incarcerated in State or local correc-
4 tional facility;

5 (B) is serving a term of 3 or more years;
6 and

7 (C) will be deportable or removable upon
8 release from such incarceration.

9 **SEC. 4. REDESIGNATION.**

10 Section 642 of the Illegal Immigration Reform and
11 Immigrant Responsibility Act of 1996 (8 U.S.C. 1373)
12 is—

13 (1) redesignated as section 296 of the Immigra-
14 tion and Nationality Act; and

15 (2) inserted into such Act after section 295 of
16 such Act.

17 **SEC. 5. ANNUAL REPORTS TO CONGRESS.**

18 The Secretary shall submit to Congress an annual re-
19 port on the implementation of the Criminal Alien Program
20 and the other provisions of this Act, including the Sec-
21 retary's progress in meeting the deadlines set out in sec-
22 tion 3(e).

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