

114TH CONGRESS  
1ST SESSION

# S. 1843

To enhance communication between Federal, State, tribal, and local jurisdictions and to ensure the rapid and effective deportation of certain criminal aliens.

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## IN THE SENATE OF THE UNITED STATES

JULY 22, 2015

Mr. FLAKE (for himself and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To enhance communication between Federal, State, tribal, and local jurisdictions and to ensure the rapid and effective deportation of certain criminal aliens.

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 Notifi-  
5 cation Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) DEPARTMENT.—The term “Department”  
9 means the Department of Homeland Security.

1           (2) LAW ENFORCEMENT NOTIFICATION SYS-  
2           TEM.—The term “law enforcement notification sys-  
3           tem” means a secure information sharing system  
4           utilized by Federal, State, tribal, and local law en-  
5           forcement agencies—

6                   (A) to notify the identification bureaus, of  
7                   the State from which an alien is being released  
8                   and of the State in which the alien is intending  
9                   to reside (if different), of the anticipated release  
10                  of an inadmissible or deportable alien described  
11                  in subparagraph (A), (B), (C), or (D) of section  
12                  236(c)(1) of the Immigration and Nationality  
13                  Act (8 U.S.C. 1226(c)(1)) from the custody of  
14                  U.S. Immigration and Customs Enforcement;  
15                  and

16                  (B) to notify the Secretary of the release  
17                  from custody of an alien who has been arrested  
18                  for any offense described in subparagraphs (A)  
19                  through (D) of section 236(c)(1) of the Immi-  
20                  gration and Nationality Act (8 U.S.C.  
21                  1226(c)(1)), the conviction of which would  
22                  render the alien inadmissible under sections  
23                  212(a) and 237(a) of such Act (8 U.S.C.  
24                  1182(a) and 1227(a)).

1           (3) PROTECTION ORDER.—The term “protec-  
2           tion order” includes any injunction, restraining  
3           order, or any other order issued by a civil or crimi-  
4           nal court to prevent violent or threatening acts or  
5           harassment against, sexual violence, or contact or  
6           communication with, or physical proximity to, an-  
7           other person, including any temporary or final order  
8           issued by a civil or criminal court (whether obtained  
9           by filing an independent action or as a pendente lite  
10          order in another proceeding) if—

11                   (A) a civil or criminal order was issued by  
12                   a State, tribal, or territorial court in response  
13                   to a complaint, petition, or motion filed by, or  
14                   on behalf of, a person seeking protection;

15                   (B) such court has jurisdiction over the  
16                   parties and matter under the law of such State,  
17                   Indian tribe, or territory;

18                   (C) reasonable notice and opportunity to  
19                   be heard is given to the person against whom  
20                   the order is sought that is sufficient to protect  
21                   that person’s right to due process; and

22                   (D) in the case of ex parte orders, notice  
23                   and opportunity to be heard is provided within  
24                   the time required under the law of such State,  
25                   Indian tribe, or territory and within a reason-

1           able time after the order is issued to sufficiently  
2           protect the respondent’s due process rights.

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

5           (5) STATE.—The term “State” has the mean-  
6           ing given the term in section 101(a)(36) of the Im-  
7           migration and Nationality Act (8 U.S.C.  
8           1101(a)(36)).

9   **SEC. 3. LAW ENFORCEMENT NOTIFICATION SYSTEM.**

10          Not later than 180 days after the date of the enact-  
11          ment of this Act, the Secretary shall establish a law en-  
12          forcement notification system for every State.

13   **SEC. 4. PROTECTIVE ORDER NOTIFICATION SYSTEM.**

14          (a) ESTABLISHMENT.—Not later than 180 days after  
15          the date of the enactment of this Act, the Secretary shall  
16          establish a secure information sharing system that enables  
17          State, tribal, and local courts to notify the Secretary of  
18          a protective order issued against an inadmissible or de-  
19          portable alien described in section 212(a) or 237(a) of the  
20          Immigration and Nationality Act (8 U.S.C. 1182(a) and  
21          1227(a)) who is under the supervision of the Secretary.

22          (b) CONSTRUCTION.—Nothing in this section may be  
23          construed to authorize the Secretary to establish a system  
24          that allows for the inclusion of protection orders for any-  
25          one other than an inadmissible alien described in section

1 212(a) or 237(a) of the Immigration and Nationality Act  
2 (8 U.S.C. 1182(a) and 1227(a)).

3 **SEC. 5. REPORTING REQUIREMENTS.**

4 (a) REPORT REQUIRED.—Not later than 180 days  
5 after the date of the enactment of this Act, and annually  
6 thereafter, the Secretary shall submit a report to the Com-  
7 mittee on the Judiciary of the Senate and the Committee  
8 on the Judiciary of the House of Representatives that in-  
9 cludes the information specified in subsection (b).

10 (b) CONTENTS.—The report required under sub-  
11 section (a) shall describe—

12 (1) the number of aliens currently present in  
13 the United States who have ever been arrested for  
14 a criminal offense;

15 (2) the number of aliens currently present in  
16 the United States who have ever been convicted of  
17 a criminal offense;

18 (3) the number of aliens with final orders of re-  
19 moval who are currently present in the United  
20 States and of such aliens—

21 (A) how many have ever been arrested for  
22 any criminal offense; and

23 (B) how many have ever been convicted for  
24 any criminal offense;

1           (4) the number of detainers that were issued by  
2 the Department during the previous fiscal year and  
3 the number of such detainers that were honored;

4           (5) the number of times the Department was  
5 notified during the previous fiscal year of a protec-  
6 tive order issued pursuant to this Act and, for each  
7 such notification—

8                 (A) the actions taken by the Department;

9                 or

10                (B) if no action was taken, the reasons for  
11 not taking action;

12           (6) the number of times during the previous fis-  
13 cal year that the Department was notified through  
14 the law enforcement notification system established  
15 under section 3 and, for each such notification—

16                 (A) a list of offenses for which notification  
17 was provided; and

18                 (B)(i) the actions taken by the Depart-  
19 ment; or

20                 (ii) if no action was taken, the reasons for  
21 not taking action; and

22           (7) the number of times during the previous fis-  
23 cal year that the Department was notified by a  
24 State, tribal, or local law court through the system

1 established under section 4 and, for each notifica-  
2 tion—

3 (A) the actions taken by the Department;

4 or

5 (B) if no action was taken, the reasons for  
6 not taking action.

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