

114TH CONGRESS
2D SESSION

S. 3276

To make habitual drunk drivers inadmissible and removable and to require the detention of any alien who is unlawfully present in the United States and has been charged with driving under the influence or driving while intoxicated.

IN THE SENATE OF THE UNITED STATES

JULY 14, 2016

Mr. GRASSLEY (for himself, Mrs. ERNST, Mr. LEE, Mr. WICKER, Mr. VITTER, Mr. HATCH, Mr. MORAN, Mr. PERDUE, Mr. INHOFE, and Mr. SESSIONS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To make habitual drunk drivers inadmissible and removable and to require the detention of any alien who is unlawfully present in the United States and has been charged with driving under the influence or driving while intoxicated.

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 “Taking Action Against
5 Drunk Drivers Act”.

1 **SEC. 2. MANDATORY DETENTION FOR DRUNK DRIVERS.**

2 Section 236(c)(1) of the Immigration and Nationality
3 Act (8 U.S.C. 1226(c)(1)) is amended—

4 (1) in subparagraphs (A) and (B), by striking
5 the comma at the end of each subparagraph and in-
6 serting a semicolon;

7 (2) in subparagraph (C)—

8 (A) by striking “sentence” and inserting
9 “sentenced”; and

10 (B) by striking “, or” and inserting a
11 semicolon;

12 (3) in subparagraph (D), by striking the comma
13 at the end and inserting “; or”; and

14 (4) by inserting after subparagraph (D) the fol-
15 lowing:

16 “(E)(i)(I) was not inspected and admitted
17 into the United States;

18 “(II) held a nonimmigrant visa (or other
19 documentation authorizing admission into the
20 United States as a nonimmigrant) that has
21 been revoked under section 221(i); or

22 “(III) is described in section
23 237(a)(1)(C)(i); and

24 “(ii) has a pending charge, by a pros-
25 ecuting authority in the United States, of driv-
26 ing under the influence or driving while intoxi-

1 cated, under Federal or State law, regardless of
 2 whether the offense is classified as a felony or
 3 a misdemeanor,”.

4 **SEC. 3. BANNING HABITUAL DRUNK DRIVERS FROM THE**
 5 **UNITED STATES.**

6 (a) **GROUND FOR INADMISSIBILITY.**—Section
 7 212(a)(2) of the Immigration and Nationality Act (8
 8 U.S.C. 1182(a)(2)) is amended—

9 (1) by redesignating subparagraph (F) as sub-
 10 paragraph (J) and placing it after subparagraph (I);
 11 and

12 (2) by inserting after subparagraph (E) the fol-
 13 lowing:

14 “(F) **HABITUAL DRUNK DRIVERS.**—An
 15 alien convicted of 3 or more offenses for driving
 16 under the influence or driving while intoxicated,
 17 under Federal or State law, regardless of
 18 whether the offenses are classified as felonies or
 19 misdemeanors, is inadmissible.”.

20 (b) **GROUND FOR DEPORTATION.**—Section
 21 237(a)(2) of the Immigration and Nationality Act (8
 22 U.S.C. 1227(a)(2)) is amended by adding at the end the
 23 following:

24 “(G) **HABITUAL DRUNK DRIVERS.**—An
 25 alien convicted of 3 or more offenses for driving

1 under the influence or driving while intoxicated,
 2 under Federal or State law, regardless of
 3 whether the offenses are classified as felonies or
 4 misdemeanors, is deportable if at least one of
 5 such offenses occurred after the date of the en-
 6 actment of the Taking Action Against Drunk
 7 Drivers Act.”.

8 (c) DEFINITION OF AGGRAVATED FELONY.—

9 (1) IN GENERAL.—Section 101(a)(43)(F) of the
 10 Immigration and Nationality Act (8 U.S.C.
 11 1101(a)(43)(F)) is amended by striking “for which
 12 the term of imprisonment” and inserting “, includ-
 13 ing a third conviction for driving under the influence
 14 or driving while intoxicated, under Federal or State
 15 law, regardless of whether the offense is classified as
 16 a felony or a misdemeanor, for which the term of
 17 imprisonment is”.

18 (2) EFFECTIVE DATE; APPLICATION.—

19 (A) EFFECTIVE DATE.—The amendment
 20 made by paragraph (1) shall take effect on the
 21 date of the enactment of this Act.

22 (B) APPLICATION.—

23 (i) IN GENERAL.—Except as provided
 24 in clause (ii), the amendment made by
 25 paragraph (1) shall apply to a conviction

1 for driving under the influence of alcohol
2 or drugs that occurred before, on, or after
3 such date of enactment.

4 (ii) TWO OR MORE PRIOR CONVIC-
5 TIONS.—An alien who received 2 or more
6 convictions for driving under the influence
7 of alcohol or drugs before the date of the
8 enactment of this Act may not be subject
9 to removal for the commission of an aggra-
10 vated felony pursuant to section
11 237(a)(2)(A)(iii) of the Immigration and
12 Nationality Act (8 U.S.C.
13 1227(a)(2)(A)(iii)) on the basis of such
14 convictions until the date on which the
15 alien is convicted of another such offense
16 after such date of enactment.

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