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

JANUARY 5, 2017

Mr. Grassley (for himself, Mrs. Ernst, Mr. McConnell, Mr. Lee, Mr. Cruz, Mr. Moran, Mr. Roberts, Mr. Shelby, Mr. Inhofe, Mr. Wicker, Mr. Hatch, and Mr. Cotton) 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”.

115TH CONGRESS
1ST SESSION

S. 51
SEC. 2. MANDATORY DETENTION FOR DRUNK DRIVERS.

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

(1) in subparagraphs (A) and (B), by striking the comma at the end of each subparagraph and inserting a semicolon;

(2) in subparagraph (C)—

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

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

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

(4) by inserting after subparagraph (D) the following:

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

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a nonimmigrant visa (or other documentation authorizing admission into the United States as a nonimmigrant) that has been revoked under section 221(i); or

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

“(ii) has a pending charge, by a prosecuting authority in the United States, of driving under the influence or driving while intox-
cated, under Federal or State law, regardless of whether the offense is classified as a felony or a misdemeanor.”

SEC. 3. BANNING HABITUAL DRUNK DRIVERS FROM THE UNITED STATES.

(a) Grounds for Inadmissibility.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (J) and placing it after subparagraph (I); and

(2) by inserting after subparagraph (E) the following:

“(F) Habitual Drunk Drivers.—An alien convicted of three or more offenses for driving under the influence or driving while intoxicated, under Federal or State law, regardless of whether the offenses are classified as felonies or misdemeanors, is inadmissible.”.

(b) Grounds for Deportation.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

“(G) Habitual Drunk Drivers.—An alien convicted of three or more offenses for
driving under the influence or driving while intoxicated, under Federal or State law, regardless of whether the offenses are classified as felonies or misdemeanors, is deportable if at least one of such offenses occurred after the date of the enactment of this subparagraph.”.

(c) Definition of Aggravated Felony.—

(1) In general.—Section 101(a)(43)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(F)) is amended by striking “for which the term of imprisonment” and inserting “, including a third conviction for driving under the influence or driving while intoxicated, under Federal or State law, regardless of whether the offense is classified as a felony or a misdemeanor, for which the term of imprisonment is”.

(2) Effective date; application.—

(A) Effective date.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(B) Application.—

(i) In general.—Except as provided in clause (ii), the amendment made by paragraph (1) shall apply to a conviction for driving under the influence of alcohol
or drugs that occurred before, on, or after such date of enactment.

(ii) **TWO OR MORE PRIOR CONVICTIONS.**—An alien who received two or more convictions for driving under the influence of alcohol or drugs before the date of the enactment of this Act may not be subject to removal for the commission of an aggravated felony pursuant to section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)(iii)) on the basis of such convictions until the date on which the alien is convicted of another such offense after such date of enactment.