

115TH CONGRESS
1ST SESSION

S. 51

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”.

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21 been revoked under section 221(i); or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-

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) **GROUND 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) **GROUND 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

1 driving under the influence or driving while in-
 2 toxicated, under Federal or State law, regard-
 3 less of whether the offenses are classified as
 4 felonies or misdemeanors, is deportable if at
 5 least one of such offenses occurred after the
 6 date of the enactment of this subparagraph.”.

7 (c) DEFINITION OF AGGRAVATED FELONY.—

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

17 (2) EFFECTIVE DATE; APPLICATION.—

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

21 (B) APPLICATION.—

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

1 or drugs that occurred before, on, or after
2 such date of enactment.

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

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