

119TH CONGRESS
1ST SESSION

H. R. 29

To require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2025

Mr. COLLINS (for himself, Mr. ALLEN, Ms. GREENE of Georgia, Mr. CLYDE, Mr. CARTER of Georgia, Mr. LOUDERMILK, Mr. AUSTIN SCOTT of Georgia, Mr. MCCORMICK, Mr. BOST, Mr. BABIN, Mr. FEENSTRA, Ms. MACE, Mr. CLINE, Mr. NEHLS, Mr. OGLES, Mr. CRENSHAW, Mr. MCCAUL, Mr. FINSTAD, Mr. KUSTOFF, Mrs. HINSON, Mrs. HOUCHIN, Ms. MALLIOTAKIS, Mr. EZELL, Ms. TENNEY, Mrs. LUNA, Mr. OWENS, Mr. FITZGERALD, Mr. ADERHOLT, Mr. WEBER of Texas, Mr. JOHNSON of South Dakota, Mr. STAUBER, Mr. VAN DREW, Mr. NUNN of Iowa, Mr. JACK, Mr. BRESNAHAN, Mr. BUCHANAN, Mr. MCCLINTOCK, Mrs. HARSHBARGER, Mr. JOYCE of Pennsylvania, and Mrs. FISCHBACH) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require the Secretary of Homeland Security to take into custody aliens who have been charged in the United States with theft, and for other purposes.

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 “Laken Riley Act”.

1 **SEC. 2. DETENTION OF CERTAIN ALIENS WHO COMMIT**
2 **THEFT.**

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

5 (1) in paragraph (1)—

6 (A) in subparagraph (C), by striking “or”;

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

9 (C) by inserting after subparagraph (D)
10 the following:

11 “(E)(i) is inadmissible under paragraph
12 (6)(A), (6)(C), or (7) of section 212(a), and

13 “(ii) is charged with, is arrested for, is
14 convicted of, admits having committed, or ad-
15 mits committing acts which constitute the es-
16 sential elements of any burglary, theft, larceny,
17 or shoplifting offense,”;

18 (2) by redesignating paragraph (2) as para-
19 graph (4); and

20 (3) by inserting after paragraph (1) the fol-
21 lowing:

22 “(2) DEFINITION.—For purposes of paragraph
23 (1)(E), the terms ‘burglary’, ‘theft’, ‘larceny’, and
24 ‘shoplifting’ have the meaning given such terms in
25 the jurisdiction where the acts occurred.

1 “(3) DETAINER.—The Secretary of Homeland
2 Security shall issue a detainer for an alien described
3 in paragraph (1)(E) and, if the alien is not other-
4 wise detained by Federal, State, or local officials,
5 shall effectively and expeditiously take custody of the
6 alien.”.

7 **SEC. 3. ENFORCEMENT BY ATTORNEY GENERAL OF A**
8 **STATE.**

9 (a) INSPECTION OF APPLICANTS FOR ADMISSION.—
10 Section 235(b) of the Immigration and Nationality Act (8
11 U.S.C. 1225(b)) is amended—

12 (1) by redesignating paragraph (3) as para-
13 graph (4); and

14 (2) by inserting after paragraph (2) the fol-
15 lowing:

16 “(3) ENFORCEMENT BY ATTORNEY GENERAL
17 OF A STATE.—The attorney general of a State, or
18 other authorized State officer, alleging a violation of
19 the detention and removal requirements under para-
20 graphs (1) or (2) that harms such State or its resi-
21 dents shall have standing to bring an action against
22 the Secretary of Homeland Security on behalf of
23 such State or the residents of such State in an ap-
24 propriate district court of the United States to ob-
25 tain appropriate injunctive relief. The court shall ad-

1 vance on the docket and expedite the disposition of
 2 a civil action filed under this paragraph to the great-
 3 est extent practicable. For purposes of this para-
 4 graph, a State or its residents shall be considered to
 5 have been harmed if the State or its residents expe-
 6 rience harm, including financial harm in excess of
 7 \$100.”.

8 (b) APPREHENSION AND DETENTION OF ALIENS.—
 9 Section 236 of the Immigration and Nationality Act (8
 10 U.S.C. 1226), as amended by this Act, is further amend-
 11 ed—

12 (1) in subsection (e)—

13 (A) by striking “or release”; and

14 (B) by striking “grant, revocation, or de-
 15 nial” and insert “revocation or denial”; and

16 (2) by adding at the end the following:

17 “(f) ENFORCEMENT BY ATTORNEY GENERAL OF A
 18 STATE.—The attorney general of a State, or other author-
 19 ized State officer, alleging an action or decision by the
 20 Attorney General or Secretary of Homeland Security
 21 under this section to release any alien or grant bond or
 22 parole to any alien that harms such State or its residents
 23 shall have standing to bring an action against the Attor-
 24 ney General or Secretary of Homeland Security on behalf
 25 of such State or the residents of such State in an appro-

1 priate district court of the United States to obtain appro-
2 priate injunctive relief. The court shall advance on the
3 docket and expedite the disposition of a civil action filed
4 under this subsection to the greatest extent practicable.
5 For purposes of this subsection, a State or its residents
6 shall be considered to have been harmed if the State or
7 its residents experience harm, including financial harm in
8 excess of \$100.”.

9 (c) PENALTIES.—Section 243 of the Immigration
10 and Nationality Act (8 U.S.C. 1253) is amended by add-
11 ing at the end the following:

12 “(e) ENFORCEMENT BY ATTORNEY GENERAL OF A
13 STATE.—The attorney general of a State, or other author-
14 ized State officer, alleging a violation of the requirement
15 to discontinue granting visas to citizens, subjects, nation-
16 als, and residents as described in subsection (d) that
17 harms such State or its residents shall have standing to
18 bring an action against the Secretary of State on behalf
19 of such State or the residents of such State in an appro-
20 priate district court of the United States to obtain appro-
21 priate injunctive relief. The court shall advance on the
22 docket and expedite the disposition of a civil action filed
23 under this subsection to the greatest extent practicable.
24 For purposes of this subsection, a State or its residents
25 shall be considered to have been harmed if the State or

1 its residents experience harm, including financial harm in
2 excess of \$100.”.

3 (d) CERTAIN CLASSES OF ALIENS.—Section
4 212(d)(5) of the Immigration and Nationality Act (8
5 U.S.C. 1182(d)(5)) is amended—

6 (1) by striking “Attorney General” each place
7 it appears and inserting “Secretary of Homeland Se-
8 curity”; and

9 (2) by adding at the end the following:

10 “(C) The attorney general of a State, or other au-
11 thorized State officer, alleging a violation of the limitation
12 under subparagraph (A) that parole solely be granted on
13 a case-by-case basis and solely for urgent humanitarian
14 reasons or a significant public benefit, that harms such
15 State or its residents shall have standing to bring an ac-
16 tion against the Secretary of Homeland Security on behalf
17 of such State or the residents of such State in an appro-
18 priate district court of the United States to obtain appro-
19 priate injunctive relief. The court shall advance on the
20 docket and expedite the disposition of a civil action filed
21 under this subparagraph to the greatest extent prac-
22 ticable. For purposes of this subparagraph, a State or its
23 residents shall be considered to have been harmed if the
24 State or its residents experience harm, including financial
25 harm in excess of \$100.”.

1 (e) DETENTION.—Section 241(a)(2) of the Immigra-
2 tion and Nationality Act (8 U.S.C. 1231(a)(2)) is amend-
3 ed—

4 (1) by striking “During the removal period,”
5 and inserting the following:

6 “(A) IN GENERAL.—During the removal
7 period,”; and

8 (2) by adding at the end the following:

9 “(B) ENFORCEMENT BY ATTORNEY GEN-
10 ERAL OF A STATE.—The attorney general of a
11 State, or other authorized State officer, alleging
12 a violation of the detention requirement under
13 subparagraph (A) that harms such State or its
14 residents shall have standing to bring an action
15 against the Secretary of Homeland Security on
16 behalf of such State or the residents of such
17 State in an appropriate district court of the
18 United States to obtain appropriate injunctive
19 relief. The court shall advance on the docket
20 and expedite the disposition of a civil action
21 filed under this subparagraph to the greatest
22 extent practicable. For purposes of this sub-
23 paragraph, a State or its residents shall be con-
24 sidered to have been harmed if the State or its

1 residents experience harm, including financial
2 harm in excess of \$100.”.

3 (f) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)
4 of the Immigration and Nationality Act (8 U.S.C.
5 1252(f)) is amended by adding at the end following:

6 “(3) CERTAIN ACTIONS.—Paragraph (1) shall
7 not apply to an action brought pursuant to section
8 235(b)(3), subsections (e) or (f) of section 236, or
9 section 241(a)(2)(B).”.

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