

HR 5751

No Detention without Charge Act of 2012

Congress: 112 (2011–2013, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

Introduced: May 15, 2012

Current Status: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.

Latest Action: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security. (Jun 4, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/house-bill/5751>

Sponsor

Name: Rep. Nadler, Jerrold [D-NY-8]

Party: Democratic • **State:** NY • **Chamber:** House

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		May 15, 2012
Rep. Scott, Robert C. "Bobby" [D-VA-3]	D · VA		May 15, 2012

Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	House	Referred To	May 15, 2012
Foreign Affairs Committee	House	Referred To	May 15, 2012
Judiciary Committee	House	Referred to	Jun 4, 2012

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

No related bills are listed.

No Detention without Charge Act of 2012 - Amends the federal criminal code to prohibit an authorization for the use of military force, a declaration of war, or any similar Act pertaining to the authority of the President over the use of the U.S. Armed Forces from: (1) authorizing the apprehension or detention of any person except to the extent that the Constitution, the law of war, and otherwise applicable human rights law permits such apprehension or detention; or (2) authorizing the detention without charge of any person apprehended or detained in the United States or a U.S. territory or possession, except as expressly provided by an Act of Congress. Declares that the Authorization for Use of Military Force (P.L. 107-40) shall not constitute such an Act of Congress.

Allows a person to assert a violation of this Act as a claim or defense in a judicial proceeding and to obtain appropriate relief against a government. Provides that standing to assert a claim or defense shall be governed by the general rules of standing under Article III of the Constitution.

Repeals provisions of the National Defense Authorization Act for Fiscal Year 2012 that require U.S. Armed Forces to hold in military custody pending disposition under the law of war a person who is: (1) captured in the course of hostilities authorized by the Authorization for Use of Military Force, and (2) determined to be a member or part of al Qaeda or an associated force who participated in planning or carrying out an attack against the United States or its coalition partners.

Actions Timeline

- **Jun 4, 2012:** Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.
- **May 15, 2012:** Introduced in House
- **May 15, 2012:** Referred to the Committee on the Judiciary, and in addition to the Committees on Armed Services, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.