

## S 1640

Michael Davis, Jr. and Danny Oliver in Honor of State and Local Law Enforcement Act

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**Chamber:** Senate

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### Sponsor

**Name:** Sen. Sessions, Jeff [R-AL]

**Party:** Republican • **State:** AL • **Chamber:** Senate

### Cosponsors (7 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Cotton, Tom [R-AR]	R · AR		Jun 22, 2015
Sen. Inhofe, James M. [R-OK]	R · OK		Jun 22, 2015
Sen. Perdue, David [R-GA]	R · GA		Jun 22, 2015
Sen. Vitter, David [R-LA]	R · LA		Jun 22, 2015
Sen. Boozman, John [R-AR]	R · AR		Jun 23, 2015
Sen. Cruz, Ted [R-TX]	R · TX		Jul 21, 2015
Sen. Isakson, Johnny [R-GA]	R · GA		Jul 23, 2015

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Jun 22, 2015

### Subjects & Policy Tags

#### Policy Area:

Immigration

### Related Bills

Bill	Relationship	Last Action
114 HR 5826	Related bill	Aug 11, 2016: Referred to the Subcommittee on Immigration and Border Security.
114 HR 2801	Related bill	Jun 18, 2015: Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.
114 HR 1148	Related bill	Mar 18, 2015: Ordered to be Reported (Amended) by the Yeas and Nays: 17 - 13.
114 HR 583	Related bill	Mar 17, 2015: Referred to the Subcommittee on Immigration and Border Security.

**Michael Davis, Jr. and Danny Oliver in Honor of State and Local Law Enforcement Act**

Amends the Immigration and Nationality Act (INA) and related federal law with respect to immigration law enforcement within the United States.

Authorizes: (1) states or their political subdivisions to enact and enforce immigration criminal penalties as long as they do not exceed relevant federal criminal penalties; and (2) state or local law enforcement personnel to investigate, apprehend, arrest, or transfer to federal custody aliens for immigration enforcement purposes to the same extent as federal law enforcement personnel.

Directs the Department of Homeland Security (DHS) to provide the National Crime Information Center (NCIC) of the Department of Justice (DOJ) with all information that DHS has regarding any alien: (1) against whom a final order of removal has been issued, (2) who has entered into a voluntary departure agreement, (3) who has overstayed his or her authorized period of stay, or (4) whose visa has been revoked. Requires NCIC to enter such information into its Immigration Violators File.

Requires: (1) states to have access to federal programs or technology directed at identifying inadmissible or deportable aliens, and (2) states and their political subdivisions to provide DHS with specified identifying information about each apprehended alien who is believed to be inadmissible or deportable.

Directs DHS to make grants to states and their political subdivisions for procurement of equipment, technology, and facilities related to investigating, apprehending, arresting, or transporting inadmissible or deportable aliens.

Directs DHS to construct or acquire additional domestic detention facilities for aliens detained pending removal.

Amends INA regarding illegal aliens apprehended by state or local authorities to provide for: (1) federal custody upon state or local request, and (2) state or local compensation for related incarceration and transportation costs.

Directs the DOJ or DHS to ensure that an alien subject to removal is detained in an adequate state or local prison, detention center, or other comparable facility.

Directs DHS to establish immigration-related training for state and local personnel.

Provides personal liability immunity to the same extent as corresponding federal immunity for state or local personnel enforcing immigration laws within the scope of their duties.

Directs DHS to continue to operate a program that: (1) identifies removable criminal aliens in federal and state correctional facilities, (2) ensures that such aliens are not released into the community, and (3) removes them from the United States after the completion of their sentences. Extends such program to all states. Requires states that receive state criminal alien assistance program (SCAAP) funds to comply with program requirements.

Authorizes state or local detention of certain aliens, in specified circumstances, after completion of their state or local prison sentence.

Authorizes appropriations for SCAAAP.

Transfers SCAAAP jurisdiction from the DOJ to DHS.

Requires states and localities to: (1) notify the federal government of inadmissible or removable aliens who are encountered by law enforcement personnel, and (2) comply with federal law enforcement information requests and with DHS detainers.

Denies specified federal law enforcement assistance to a state or a political subdivision that prohibits law enforcement officers from cooperating with federal immigration law enforcement.

Revises certain terrorism-related requirements and prohibitions with respect to naturalization, asylum, good moral character, voluntary departure, and cancellation of removal.

Authorizes: (1) the denaturalization of a person who participates in terrorist activities or violent or unlawful activities aimed at the overthrow of the United States; and (2) the use or publication by DHS of certain legalization or special agricultural worker status information for any purpose relating to terrorism, national intelligence, or national security.

Requires security and background checks and investigations of suspected immigration irregularities to be completed before specified immigration-related statuses and benefits may be granted or adjudicated.

Revises and expands the definition of "aggravated felony" under INA. Makes such changes retroactive.

Adds new grounds of inadmissibility for: (1) identity fraud or Social Security number misuse; (2) unlawful procurement of citizenship or naturalization; (3) specified firearm offenses; (4) conviction of an aggravated felony; and (5) crimes of domestic violence, stalking, or child abuse. Makes such additions retroactive.

Adds new grounds of deportability for: (1) identity fraud or Social Security number misuse, and (2) unlawful procurement of citizenship or naturalization. Makes such additions retroactive.

Makes inadmissible an alien who plans to or has engaged in espionage, prohibited export, or other unlawful activities, including activities aimed at the violent overthrow of the U.S. government.

Prohibits the sale of or possession of firearms by any alien who is not lawfully admitted for permanent residence.

Amends the federal criminal code to place a 10-year statute of limitations on most criminal violations of INA.

Makes: (1) aggravated felons ineligible for refugee, asylee adjustment of status, or any withholding of removal; and (2) a second Drinking Under the Influence (DUI) conviction an aggravated felony under INA.

Revises requirements regarding: (1) detention and removal of aliens ordered removed, (2) alien smuggling and related offenses, and (3) reentry of removed aliens.

Authorizes DHS to designate groups as criminal gangs. Bars individuals found inadmissible or deportable for criminal gang membership from asylum, withholding of removal, and temporary protected status.

Amends the federal criminal code to state that the government, in the prosecution of aggravated identity theft, need not prove the defendant knew that the means of identification was of another person.

Subjects to specified criminal penalties for illegal entry an alien who knowingly: (1) enters or crosses the border at a place other than a designated port of entry; (2) evades inspection by an immigration, customs, or agricultural officer; (3) makes a false or misleading statement or conceals a material fact during examination or inspection while crossing the border; or (4) violates the conditions of U.S. admission or parole for 90 days or more.

Increases penalties under the federal criminal code for certain immigration document and passport fraud activities, and authorizes forfeiture of property used in connection with them.

Reduces the period during which an alien may seek judicial review of an expedited removal order based on criminal or security grounds. Subjects to such expedited removal procedures an individual inadmissible because of a criminal offense if the individual has not been admitted or paroled, does not have a credible fear of persecution, and is not eligible for relief from removal.

Expands the grounds of inadmissibility and deportability to include violation of federal requirements regarding sex offender registration.

Prohibits U.S. citizens and lawful permanent residents convicted of certain sex offenses from sponsoring an alien for admission unless the Secretary determines that such person poses no risk to the alien.

States that a conviction for which a pardon has been issued shall not be grounds for deportability by reason of such conviction.

Revises visa information sharing requirements.

Prohibits waiver of a visa interview for an alien the Secretary determines to be a person of concern or in a class of aliens that are security threats.

States that DHS (1) shall have exclusive authority to issue regulations, establish policy, and administer all immigration or nationality laws relating to consular functions in connection with visa issuance or denial; and (2) may refuse or revoke any visa to an alien or class of aliens for U.S. security interests.

Prohibits judicial review of a decision by DHS to refuse or revoke a visa.

Authorizes a consular surcharge (in addition to immigrant visa fees) to fund the visa security program.

Provides for expedited clearance and placement of DHS personnel at overseas embassies and consular posts.

Revises accreditation requirements.

Limits those individuals who may serve as a designated school official (DSO) or be granted access to the student and exchange visitor information system (SEVIS). Requires a background check of any person serving in such capacity.

Authorizes DHS to suspend an institution's student and exchange visitor program (SEVP) certification for reasonable suspicion of fraud. Makes a person convicted of such fraud permanently ineligible to hold a position of authority or ownership at any such institution.

Authorizes school officials to nominate as many DSO's in addition to their Principal DSO's as necessary and adequate to make recommendations to enrolled students on how to maintain nonimmigrant status. Requires an SEVP-participating institution or exchange visitor program sponsor to report to the DHS on students or exchange visitors with nonimmigrant status.

Makes flight schools that are not certified by the Federal Aviation Administration ineligible to access SEVIS.

Requires SEVIS suspension for a school that loses or is denied accreditation.

Directs the Secretary to authorize all DHS immigration enforcement agents and deportation officers who have successfully completed basic immigration law enforcement training to: (1) make arrests for offenses against the United States, for certain felonies, and for bringing in, transporting, or harboring certain aliens; (2) execute warrants of arrest for administrative immigration violations; and (3) carry firearms.

Authorizes the DHS to hire additional Immigration and Customs Enforcement (ICE) detention enforcement officers.

Establishes: (1) an ICE Advisory Council; and (2) a pilot program in at least five of the busiest ICE offices to process electronically and serve charging documents, and process and place detainees while in the field.

Directs DHS to increase the number of ICE deportation officers, support staff, and prosecutors.

Requires semiannual DHS reports on countries that refuse or unreasonably delay repatriation of an alien who is a national of the country. Subjects countries that repeat on those lists to certain visa sanctions.

Revises requirements and restrictions regarding: (1) voluntary departure, (2) reentry bars for aliens who remain in the United States after ordered removed, and (3) reinstatement of removal orders.

Denies the use of certain funds to implement specified executive branch memoranda regarding the exercise of prosecutorial discretion in the apprehension, detention, and removal of aliens unlawfully present in the United States.

Directs the Government Accountability Office to report on the deaths in custody of DHS detainees.

Requires that, whenever possible, removal proceedings take place in the order in which aliens are placed in proceedings.

Prohibits the DOJ from delaying or suspending the making of a final decision on an application to suspend deportation or cancel removal except for cases in which an application has been granted and the fiscal year cap has been reached.

Includes proper income tax filing among the criteria for good moral character for INA purposes.

## **Actions Timeline**

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- **Jun 22, 2015:** Introduced in Senate
- **Jun 22, 2015:** Read twice and referred to the Committee on the Judiciary.