

114TH CONGRESS
2D SESSION

H. R. 5853

To amend section 287(g) of the Immigration and Nationality Act to make mandatory agreements under such section, to require the Secretary of Homeland Security to provide certain identity information to the National Criminal Information Center and the Law Enforcement Support Center, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2016

Mr. LUETKEMEYER (for himself and Mr. YODER) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend section 287(g) of the Immigration and Nationality Act to make mandatory agreements under such section, to require the Secretary of Homeland Security to provide certain identity information to the National Criminal Information Center and the Law Enforcement Support Center, 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 “Empowering Local
5 Law Enforcement Act”.

1 **SEC. 2. MAKING AGREEMENTS MANDATORY.**

2 Section 287(g) of the Immigration and Nationality
3 (8 U.S.C. 1357(g)) is amended—

4 (1) by striking “Attorney General” each place
5 such term appears and inserting “Secretary of
6 Homeland Security”;

7 (2) in paragraph (1), by striking “may enter”
8 and inserting “, subject to paragraph (11), shall
9 enter”; and

10 (3) by adding at the end the following:

11 “(11) No request from a State, or a political subdivi-
12 sion of a State, to enter into an agreement under this sub-
13 section shall be denied, and no such agreement shall be
14 terminated, without a compelling reason, and the Sec-
15 retary of Homeland Security shall notify the Committee
16 on the Judiciary of the House of Representatives and of
17 the Senate in the case of such a denial or termination,
18 and explain the reasons for the denial or termination.

19 “(12) An agreement under this subsection shall ac-
20 commodate any enforcement model that a State, or a po-
21 litical subdivision of a State, believes fits the needs of its
22 jurisdiction.”.

1 **SEC. 3. TRANSFER OF INFORMATION TO THE NATIONAL**
2 **CRIMINAL INFORMATION CENTER AND THE**
3 **LAW ENFORCEMENT SUPPORT CENTER.**

4 The Secretary of Homeland Security shall ensure
5 that the following information is provided to the National
6 Criminal Information Center and the Law Enforcement
7 Support Center:

8 (1) The identity of any individual with an active
9 order of removal.

10 (2) The identity of any individual who has been
11 removed from the United States based on any of the
12 following:

13 (A) Engaging in, or being suspected of en-
14 gaging in, terrorism or espionage, or otherwise
15 posing a danger to the national security of the
16 United States.

17 (B) Being apprehended at the border or
18 ports of entry while attempting unlawfully to
19 enter the United States.

20 (C) Being convicted of an offense for which
21 an element was active participation in a crimi-
22 nal street gang, as defined in section 521(a) of
23 title 18, United States Code, or in the case of
24 an individual not younger than 16 years of age,
25 intentional participation in an organized crimi-

1 nal gang to further the illegal activity of the
2 gang.

3 (D) Being convicted of an offense classified
4 as a felony in the convicting jurisdiction, other
5 than a State or local offense for which an es-
6 sential element was the alien's immigration sta-
7 tus.

8 (E) Being convicted of an aggravated fel-
9 ony, as that term is defined in section
10 101(a)(43) of the Immigration and Nationality
11 Act (8 U.S.C. 1101(a)(43)) at the time of the
12 conviction.

13 (3) The identity of any individual for whom a
14 detainer was issued within the previous year, but
15 who was not taken into custody by Federal law en-
16 forcement.

17 **SEC. 4. ISSUANCE OF DETAINERS BY LOCAL LAW ENFORCE-**
18 **MENT.**

19 If a State or local law enforcement official apprehends
20 an individual for a crime, and the officer has a reason
21 to believe the individual is an alien—

22 (1) the officer is authorized to verify, using the
23 information provided to the National Criminal Infor-
24 mation Center and the Law Enforcement Support

1 Center under section 3, if the individual is described
2 in paragraph (1), (2), or (3) of such section;

3 (2) if the individual is verified under paragraph
4 (1) as being described in paragraph (1), (2), or (3)
5 of section 3, the officer may issue a Federal detainer
6 for the individual valid until the individual—

7 (A) is convicted for the crime for which the
8 alien is apprehended; or

9 (B) is transferred into Federal custody;

10 (3) the officer is authorized to transport the in-
11 dividual in order to be transferred into Federal cus-
12 tody; and

13 (4) the Secretary of Homeland Security shall
14 prioritize the individual for removal.

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