118TH CONGRESS  
2D Session  

S. ______

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 SENATE OF THE UNITED STATES

Mrs. BRITT introduced the following bill; which was read twice and referred to the Committee on ____________________

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”.

5 SEC. 2. FINDINGS; SENSE OF CONGRESS.

6 (a) FINDINGS.—Congress finds that the Nation—

7 (1) mourns the devastating loss of Laken Riley

8 and other victims of the Biden administration’s open

9 borders policies;
(2) honors the life and memory of Laken Riley and other victims of the Biden administration’s open borders policies; and

(3) denounces the open-borders policies of President Joe Biden, “Border Czar” Vice President Kamala Harris, Secretary of Homeland Security Alejandro Mayorkas, and other Biden administration officials.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Biden administration should not have released Laken Riley’s alleged murderer into the United States;

(2) the Biden administration should have arrested and detained Laken Riley’s alleged murderer after he was charged with crimes in New York, New York, and Athens, Georgia;

(3) President Biden should publicly denounce his administration’s immigration policies that resulted in the murder of Laken Riley; and

(4) President Biden should prevent another murder like that of Laken Riley by ending the catch-and-release of illegal aliens, increasing immigration enforcement, detaining and removing criminal aliens, reinstating the Remain in Mexico policy, ending his
abuse of parole authority, and securing the United States borders.

SEC. 3. DETENTION OF CERTAIN AliENS WHO COMMIT THEFT.

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

(1) in paragraph (1)—

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

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

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

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

“(ii) is charged with, is arrested for, is convicted of, admits having committed, or admits committing acts which constitute the essential elements of any burglary, theft, larceny, or shoplifting offense,”;

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following:

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

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

SEC. 4. ENFORCEMENT BY ATTORNEY GENERAL OF A
STATE.

(a) INSPECTION OF APPLICANTS FOR ADMISSION.—

Section 235(b) of the Immigration and Nationality Act (8
U.S.C. 1225(b)) is amended—

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

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

“(3) ENFORCEMENT BY ATTORNEY GENERAL
OF A STATE.—The attorney general of a State, or
other authorized State officer, alleging a violation of
the detention and removal requirements under para-
graphs (1) or (2) that harms such State or its resi-
dents shall have standing to bring an action against
the Secretary of Homeland Security on behalf of
such State or the residents of such State in an ap-
propriate district court of the United States to obtain appropriate injunctive relief. The court shall advance on the docket and expedite the disposition of a civil action filed under this paragraph to the greatest extent practicable. For purposes of this paragraph, a State or its residents shall be considered to have been harmed if the State or its residents experience harm, including financial harm in excess of $100.”.

(b) APPREHENSION AND DETENTION OF ALIENS.—

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226), as amended by this Act, is further amended—

(1) in subsection (e)—

(A) by striking “or release”; and

(B) by striking “grant, revocation, or denial” and insert “revocation or denial”; and

(2) by adding at the end the following:

“(f) ENFORCEMENT BY ATTORNEY GENERAL OF A STATE.—The attorney general of a State, or other authorized State officer, alleging an action or decision by the Attorney General or Secretary of Homeland Security under this section to release any alien or grant bond or parole to any alien that harms such State or its residents shall have standing to bring an action against the Attor-
ney General or Secretary of Homeland Security on behalf of such State or the residents of such State in an appropriate district court of the United States to obtain appropriate injunctive relief. The court shall advance on the docket and expedite the disposition of a civil action filed under this subsection to the greatest extent practicable.

For purposes of this subsection, a State or its residents shall be considered to have been harmed if the State or its residents experience harm, including financial harm in excess of $100.''.

(c) Penalties.—Section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended by adding at the end the following:

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(e) Enforcement by Attorney General of a State.—The attorney general of a State, or other authorized State officer, alleging a violation of the requirement to discontinue granting visas to citizens, subjects, nationals, and residents as described in subsection (d) that harms such State or its residents shall have standing to bring an action against the Secretary of State on behalf of such State or the residents of such State in an appropriate district court of the United States to obtain appropriate injunctive relief. The court shall advance on the docket and expedite the disposition of a civil action filed under this subsection to the greatest extent practicable.
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For purposes of this subsection, a State or its residents shall be considered to have been harmed if the State or its residents experience harm, including financial harm in excess of $100.”.

(d) Certain Classes of Aliens.—Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended—

(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”; and

(2) by adding at the end the following:

“(C) The attorney general of a State, or other authorized State officer, alleging a violation of the limitation under subparagraph (A) that parole solely be granted on a case-by-case basis and solely for urgent humanitarian reasons or a significant public benefit, that harms such State or its residents shall have standing to bring an action against the Secretary of Homeland Security on behalf of such State or the residents of such State in an appropriate district court of the United States to obtain appropriate injunctive relief. The court shall advance on the docket and expedite the disposition of a civil action filed under this subparagraph to the greatest extent practicable. For purposes of this subparagraph, a State or its residents shall be considered to have been harmed if the
State or its residents experience harm, including financial harm in excess of $100.”.

(c) DETENTION.—Section 241(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(2)) is amended—

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

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

(2) by adding at the end the following:

“(B) ENFORCEMENT BY ATTORNEY GENERAL OF A STATE.—The attorney general of a State, or other authorized State officer, alleging a violation of the detention requirement under subparagraph (A) that harms such State or its residents shall have standing to bring an action against the Secretary of Homeland Security on behalf of such State or the residents of such State in an appropriate district court of the United States to obtain appropriate injunctive relief. The court shall advance on the docket and expedite the disposition of a civil action filed under this subparagraph to the greatest extent practicable. For purposes of this subparagraph, a State or its residents shall be con-
sidered to have been harmed if the State or its residents experience harm, including financial harm in excess of $100.’’

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

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