

103^D CONGRESS
2^D SESSION

H. R. 4054

To provide for Federal incarceration of undocumented criminal aliens.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 1994

Mr. BECERRA (for himself, Mr. BEILENSON, Mr. BERMAN, Mr. FARR of California, Mr. FILNER, Mr. MARTINEZ, Ms. ROYBAL-ALLARD, Mr. TORRES, Mr. DELLUMS, Mr. FAZIO, Mr. DIXON, Mr. SERRANO, Ms. VELÁZQUEZ, Mr. PASTOR, and Mr. INSLEE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for Federal incarceration of undocumented criminal aliens.

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. FEDERAL INCARCERATION OF UNDOCU-**
4 **MENTED CRIMINAL ALIENS.**

5 (a) FEDERAL INCARCERATION.—Section 242 of the
6 Immigration and Nationality Act (8 U.S.C. 1252) is
7 amended by adding at the end the following:

8 “(j) FEDERAL INCARCERATION.—

1 “(1) Subject to paragraph (2), the Attorney
2 General shall take into the custody of the Federal
3 Government, and shall incarcerate for a determinate
4 sentence of imprisonment, an undocumented crimi-
5 nal alien if—

6 “(A) the chief official of the State (or, if
7 appropriate, a political subdivision of the State)
8 exercising authority with respect to the incar-
9 ceration of the undocumented criminal alien
10 submits a written request to the Attorney Gen-
11 eral; and

12 “(B) the undocumented criminal alien is
13 sentenced to a determinate term of imprison-
14 ment.

15 “(2)(A) If the Attorney General determines
16 that adequate Federal facilities are not available for
17 the incarceration of an undocumented criminal alien
18 under paragraph (1), the Attorney General shall
19 enter into a contractual arrangement which provides
20 for compensation to the State or a political subdivi-
21 sion of the State, as may be appropriate, with re-
22 spect to the incarceration of such undocumented
23 criminal alien for such determinate sentence of im-
24 prisonment.

1 “(B) Compensation under subparagraph (A)
2 shall be determined by the Attorney General and
3 may not exceed the median cost of incarceration of
4 a prisoner in all maximum security facilities in the
5 United States as determined by the Bureau of Jus-
6 tice Statistics.

7 “(3) For purposes of this subsection, the term
8 ‘undocumented criminal alien’ means an alien who—

9 “(A) has been convicted of a felony and
10 sentenced to a term of imprisonment, and

11 “(B)(i) entered the United States without
12 inspection or at any time or place other than as
13 designated by the Attorney General,

14 “(ii) was the subject of exclusion or depor-
15 tation proceedings at the time he or she was
16 taken into custody by the State or a political
17 subdivision of the State, or

18 “(iii) was admitted as a nonimmigrant and
19 at the time he or she was taken into custody by
20 the State or a political subdivision of the State
21 has failed to maintain the nonimmigrant status
22 in which the alien was admitted or to which it
23 was changed under section 248, or to comply
24 with the conditions of any such status.”.

1 “(4)(A) In carrying out this subsection, the At-
2 torney General shall give priority to the Federal in-
3 carceration of undocumented criminal aliens who
4 have committed aggravated felonies.

5 “(B) The Attorney General shall ensure that
6 undocumented criminal aliens incarcerated in Fed-
7 eral facilities pursuant to this subsection are held in
8 facilities which provide a level of security appro-
9 priate to the crimes for which they were convicted.”.
10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect October 1, 1994.

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