

118TH CONGRESS
2D SESSION

S. 3933

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

MARCH 12, 2024

Mrs. BRITT (for herself, Mr. BARRASSO, Mrs. BLACKBURN, Mr. BOOZMAN, Mr. BRAUN, Mr. BUDD, Mrs. CAPITO, Mr. CORNYN, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. DAINES, Mrs. FISCHER, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGERTY, Mr. HAWLEY, Mr. HOEVEN, Mr. KENNEDY, Mr. LEE, Ms. LUMMIS, Mr. MCCONNELL, Mr. RICKETTS, Mr. RISCH, Mr. SCHMITT, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mr. THUNE, Mr. TILLIS, Mr. TUBERVILLE, Mr. WICKER, Mr. ROUNDS, Mr. LANKFORD, and Mr. MORAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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—

1 (1) mourns the devastating loss of Laken Riley
2 and other victims of the Biden administration’s open
3 borders policies;

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

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

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that—

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

17 (2) the Biden administration should have ar-
18 rested and detained Laken Riley’s alleged murderer
19 after he was charged with crimes in New York, New
20 York, and Athens, Georgia;

21 (3) President Biden should publicly denounce
22 his administration’s immigration policies that re-
23 sulted in the murder of Laken Riley; and

24 (4) President Biden should prevent another
25 murder like that of Laken Riley by ending the catch-

1 and-release of illegal aliens, increasing immigration
2 enforcement, detaining and removing criminal aliens,
3 reinstating the Remain in Mexico policy, ending his
4 abuse of parole authority, and securing the United
5 States borders.

6 **SEC. 3. DETENTION OF CERTAIN ALIENS WHO COMMIT**
7 **THEFT.**

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

10 (1) in paragraph (1)—

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

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

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

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

18 “(ii) is charged with, is arrested for, is
19 convicted of, admits having committed, or ad-
20 mits committing acts which constitute the es-
21 sential elements of any burglary, theft, larceny,
22 or shoplifting offense,”;

23 (2) by redesignating paragraph (2) as para-
24 graph (4); and

1 graph (1) or (2) that harms such State or its resi-
2 dents shall have standing to bring an action against
3 the Secretary of Homeland Security on behalf of
4 such State or the residents of such State in an ap-
5 propriate district court of the United States to ob-
6 tain appropriate injunctive relief. The court shall ad-
7 vance on the docket and expedite the disposition of
8 a civil action filed under this paragraph to the great-
9 est extent practicable. For purposes of this para-
10 graph, a State or its residents shall be considered to
11 have been harmed if the State or its residents expe-
12 rience harm, including financial harm in excess of
13 \$100.”.

14 (b) APPREHENSION AND DETENTION OF ALIENS.—
15 Section 236 of the Immigration and Nationality Act (8
16 U.S.C. 1226), as amended by this Act, is further amend-
17 ed—

18 (1) in subsection (e)—

19 (A) by striking “or release”; and

20 (B) by striking “grant, revocation, or de-
21 nial” and insert “revocation or denial”; and

22 (2) by adding at the end the following:

23 “(f) ENFORCEMENT BY ATTORNEY GENERAL OF A
24 STATE.—The attorney general of a State, or other author-
25 ized State officer, alleging an action or decision by the

1 Attorney General or Secretary of Homeland Security
2 under this section to release any alien or grant bond or
3 parole to any alien that harms such State or its residents
4 shall have standing to bring an action against the Attor-
5 ney General or Secretary of Homeland Security on behalf
6 of such State or the residents of such State in an appro-
7 priate district court of the United States to obtain appro-
8 priate injunctive relief. The court shall advance on the
9 docket and expedite the disposition of a civil action filed
10 under this subsection to the greatest extent practicable.
11 For purposes of this subsection, a State or its residents
12 shall be considered to have been harmed if the State or
13 its residents experience harm, including financial harm in
14 excess of \$100.”.

15 (c) PENALTIES.—Section 243 of the Immigration
16 and Nationality Act (8 U.S.C. 1253) is amended by add-
17 ing at the end the following:

18 “(e) ENFORCEMENT BY ATTORNEY GENERAL OF A
19 STATE.—The attorney general of a State, or other author-
20 ized State officer, alleging a violation of the requirement
21 to discontinue granting visas to citizens, subjects, nation-
22 als, and residents as described in subsection (d) that
23 harms such State or its residents shall have standing to
24 bring an action against the Secretary of State on behalf
25 of such State or the residents of such State in an appro-

1 p r i a t e d i s t r i c t c o u r t o f t h e U n i t e d S t a t e s t o o b t a i n a p p r o -
2 p r i a t e i n j u n c t i v e r e l i e f . T h e c o u r t s h a l l a d v a n c e o n t h e
3 d o c k e t a n d e x p e d i t e t h e d i s p o s i t i o n o f a c i v i l a c t i o n f i l e d
4 u n d e r t h i s s u b s e c t i o n t o t h e g r e a t e s t e x t e n t p r a c t i c a b l e .
5 F o r p u r p o s e s o f t h i s s u b s e c t i o n , a S t a t e o r i t s r e s i d e n t s
6 s h a l l b e c o n s i d e r e d t o h a v e b e e n h a r m e d i f t h e S t a t e o r
7 i t s r e s i d e n t s e x p e r i e n c e h a r m , i n c l u d i n g f i n a n c i a l h a r m i n
8 e x c e s s o f \$ 1 0 0 . ” .

9 (d) C E R T A I N C L A S S E S O F A L I E N S . — S e c t i o n
10 2 1 2 (d) (5) o f t h e I m m i g r a t i o n a n d N a t i o n a l i t y A c t (8
11 U . S . C . 1 1 8 2 (d) (5)) i s a m e n d e d —

12 (1) b y s t r i k i n g “ A t t o r n e y G e n e r a l ” e a c h p l a c e
13 i t a p p e a r s a n d i n s e r t i n g “ S e c r e t a r y o f H o m e l a n d S e -
14 c u r i t y ” ; a n d

15 (2) b y a d d i n g a t t h e e n d t h e f o l l o w i n g :

16 “ (C) T h e a t t o r n e y g e n e r a l o f a S t a t e , o r o t h e r a u -
17 t h o r i z e d S t a t e o f f i c e r , a l l e g i n g a v i o l a t i o n o f t h e l i m i t a t i o n
18 u n d e r s u b p a r a g r a p h (A) t h a t p a r o l e s o l e l y b e g r a n t e d o n
19 a c a s e - b y - c a s e b a s i s a n d s o l e l y f o r u r g e n t h u m a n i t a r i a n
20 r e a s o n s o r a s i g n i f i c a n t p u b l i c b e n e f i t , t h a t h a r m s s u c h
21 S t a t e o r i t s r e s i d e n t s s h a l l h a v e s t a n d i n g t o b r i n g a n a c -
22 t i o n a g a i n s t t h e S e c r e t a r y o f H o m e l a n d S e c u r i t y o n b e h a l f
23 o f s u c h S t a t e o r t h e r e s i d e n t s o f s u c h S t a t e i n a n a p p r o -
24 p r i a t e d i s t r i c t c o u r t o f t h e U n i t e d S t a t e s t o o b t a i n a p p r o -
25 p r i a t e i n j u n c t i v e r e l i e f . T h e c o u r t s h a l l a d v a n c e o n t h e

1 docket and expedite the disposition of a civil action filed
2 under this subparagraph to the greatest extent prac-
3 ticable. For purposes of this subparagraph, a State or its
4 residents shall be considered to have been harmed if the
5 State or its residents experience harm, including financial
6 harm in excess of \$100.”.

7 (e) DETENTION.—Section 241(a)(2) of the Immigra-
8 tion and Nationality Act (8 U.S.C. 1231(a)(2)) is amend-
9 ed—

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

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

14 (2) by adding at the end the following:

15 “(B) ENFORCEMENT BY ATTORNEY GEN-
16 ERAL OF A STATE.—The attorney general of a
17 State, or other authorized State officer, alleging
18 a violation of the detention requirement under
19 subparagraph (A) that harms such State or its
20 residents shall have standing to bring an action
21 against the Secretary of Homeland Security on
22 behalf of such State or the residents of such
23 State in an appropriate district court of the
24 United States to obtain appropriate injunctive
25 relief. The court shall advance on the docket

1 and expedite the disposition of a civil action
2 filed under this subparagraph to the greatest
3 extent practicable. For purposes of this sub-
4 paragraph, a State or its residents shall be con-
5 sidered to have been harmed if the State or its
6 residents experience harm, including financial
7 harm in excess of \$100.”.

8 (f) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)
9 of the Immigration and Nationality Act (8 U.S.C.
10 1252(f)) is amended by adding at the end following:

11 “(3) CERTAIN ACTIONS.—Paragraph (1) shall
12 not apply to an action brought pursuant to section
13 235(b)(3), subsections (e) or (f) of section 236, or
14 section 241(a)(2)(B).”.

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