

118TH CONGRESS
1ST SESSION

H. R. 87

To require the Secretary of Homeland Security to detain any alien who is unlawfully present in the United States and is arrested for certain criminal offenses.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. BIGGS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require the Secretary of Homeland Security to detain any alien who is unlawfully present in the United States and is arrested for certain criminal offenses.

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 “Grant’s Law”.

5 **SEC. 2. MANDATORY DETENTION FOR CERTAIN ALIENS AR-**
6 **RESTED FOR THE COMMISSION OF CERTAIN**
7 **OFFENSES.**

8 Section 236(c) of the Immigration and Nationality
9 Act (8 U.S.C. 1226(e)(1)) is amended—

1 (1) in paragraph (1)—

2 (A) in subparagraph (C), by striking “or”
3 at the end;

4 (B) in subparagraph (D), by adding “or”
5 at the end; and

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

8 “(E) is—

9 “(i) determined by the Secretary of
10 Homeland Security to be unlawfully
11 present in the United States; and

12 “(ii) arrested for any offense de-
13 scribed in subparagraphs (A) through (D)
14 the conviction of which would render the
15 alien inadmissible under section 212(a) or
16 deportable under section 237(a),”; and

17 (2) in paragraph (2)—

18 (A) by striking “The Attorney General”
19 and inserting the following:

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), the Secretary of Homeland
22 Security”;

23 (B) by striking “the Attorney General”
24 each place such term appears and inserting
25 “the Secretary”; and

1 (C) by adding at the end the following:

2 “(B) ARRESTED BUT NOT CONVICTED
3 ALIENS.—The Secretary of Homeland Security
4 may release any alien held pursuant to para-
5 graph (1)(E) to the appropriate authority for
6 any proceedings subsequent to the arrest. The
7 Secretary shall resume custody of the alien dur-
8 ing any period pending the final disposition of
9 any such proceedings that the alien is not in
10 the custody of such appropriate authority. If
11 the alien is not convicted of the offense for
12 which the alien was arrested, the Secretary
13 shall continue to detain the alien until removal
14 proceedings are completed.”.

15 **SEC. 3. EXPEDITED INITIATION OF REMOVAL PRO-**
16 **CEEDINGS.**

17 Section 239(d) of the Immigration and Nationality
18 Act (8 U.S.C. 1229(d)) is amended by adding at the end
19 the following:

20 “(3) In the case of any alien held pursuant to
21 section 236(c)(1)(E), the Secretary of Homeland Se-
22 curity shall complete removal proceedings by not
23 later than 90 days after such alien is detained.”.

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