

116TH CONGRESS  
1ST SESSION

# S. 285

To require U.S. Immigration and Customs Enforcement to take into custody certain aliens who have been charged in the United States with a crime that resulted in the death or serious bodily injury of another person, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2019

Ms. ERNST (for herself, Mr. GRASSLEY, Mr. SASSE, Mrs. FISCHER, Mr. TILLIS, Mr. THUNE, Mr. COTTON, Mrs. HYDE-SMITH, Mr. MORAN, Mr. CASSIDY, Mr. INHOFE, Mrs. BLACKBURN, Mr. SCOTT of South Carolina, Mr. CRUZ, Mr. ROBERTS, Mr. PERDUE, and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To require U.S. Immigration and Customs Enforcement to take into custody certain aliens who have been charged in the United States with a crime that resulted in the death or serious bodily injury of another person, 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 “Sarah’s Law”.

1 **SEC. 2. MANDATORY DETENTION OF CERTAIN ALIENS**  
2 **CHARGED WITH A CRIME RESULTING IN**  
3 **DEATH OR SERIOUS BODILY INJURY.**

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

6 (1) in paragraph (1)—

7 (A) in subparagraphs (A) and (B), by  
8 striking the comma at the end of each subpara-  
9 graph and inserting a semicolon;

10 (B) in subparagraph (C)—

11 (i) by striking “sentence” and insert-  
12 ing “sentenced”; and

13 (ii) by striking “, or” and inserting a  
14 semicolon;

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

17 (D) by inserting after subparagraph (D)  
18 the following:

19 “(E)(i)(I) was not inspected and admitted  
20 into the United States;

21 “(II) held a nonimmigrant visa (or other  
22 documentation authorizing admission into the  
23 United States as a nonimmigrant) that has  
24 been revoked under section 221(i); or

25 “(III) is described in section  
26 237(a)(1)(C)(i); and

1           “(ii) has been charged by a prosecuting au-  
2           thority in the United States with any crime  
3           that resulted in the death or serious bodily in-  
4           jury (as defined in section 1365(h)(3) of title  
5           18, United States Code) of another person,”;  
6           and

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

8           “(3) NOTIFICATION REQUIREMENT.—Upon en-  
9           countering or gaining knowledge of an alien de-  
10          scribed in paragraph (1), the Assistant Secretary of  
11          Homeland Security for Immigration and Customs  
12          Enforcement shall make reasonable efforts—

13                 “(A) to obtain information from law en-  
14                 forcement agencies and from other available  
15                 sources regarding the identity of any victims of  
16                 the crimes for which such alien was charged or  
17                 convicted; and

18                 “(B) to provide the victim or, if the victim  
19                 is deceased, a parent, guardian, spouse, or clos-  
20                 est living relative of such victim, with informa-  
21                 tion, on a timely and ongoing basis, including—

22                         “(i) the alien’s full name, aliases, date  
23                         of birth, and country of nationality;

24                         “(ii) the alien’s immigration status  
25                         and criminal history;

1                   “(iii) the alien’s custody status and  
2                   any changes related to the alien’s custody;  
3                   and

4                   “(iv) a description of any efforts by  
5                   the United States Government to remove  
6                   the alien from the United States.”.

7 **SEC. 3. SAVINGS PROVISION.**

8           Nothing in this Act, or the amendments made by this  
9 Act, may be construed to limit the rights of crime victims  
10 under any other provision of law, including section 3771  
11 of title 18, United States Code.

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