

103^D CONGRESS
2^D SESSION

S. 1849

To require the Federal Government to incarcerate or to reimburse State and local governments for the cost of incarcerating criminal aliens.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10 (legislative day, JANUARY 25), 1994

Mr. GRAHAM (for himself, Mr. D'AMATO, Mr. MACK, Mrs. FEINSTEIN, Mr. BRYAN, Mrs. BOXER, Mr. MCCAIN, and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require the Federal Government to incarcerate or to reimburse State and local governments for the cost of incarcerating 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. SHORT TITLE.**

4 This Act may be cited as the “Criminal Aliens Fed-
5 eral Responsibility Act of 1994”.

6 **SEC. 2. INCARCERATION OF OR PAYMENT FOR CRIMINAL**
7 **ALIENS BY THE FEDERAL GOVERNMENT.**

8 (a) DEFINITION.—In this section, “criminal alien
9 who has been convicted of a felony and is incarcerated in

1 a State or local correctional facility” means an alien
2 who—

3 (1)(A) is in the United States in violation of the
4 immigration laws; or

5 (B) is deportable or excludable under the Immi-
6 gration and Nationality Act (8 U.S.C. 1101 et seq.);
7 and

8 (2) has been convicted of a felony under State
9 or local law and incarcerated in a correctional facil-
10 ity of the State or a subdivision of the State.

11 (b) FEDERAL CUSTODY.—At the request of a State
12 or political subdivision of a State, the Attorney General
13 shall—

14 (1)(A) take custody of a criminal alien who has
15 been convicted of a felony and is incarcerated in a
16 State or local correctional facility; and

17 (B) provide for the imprisonment of the crimi-
18 nal alien in a Federal prison in accordance with the
19 sentence of the State court; or

20 (2) enter into a contractual arrangement with
21 the State or local government to compensate the
22 State or local government for incarcerating alien
23 criminals for the duration of their sentences.

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