

110TH CONGRESS  
1ST SESSION

# H. R. 4201

To require State and local law enforcement agencies to determine the immigration status of all individuals arrested by such agencies for a felony, to require such agencies to report to the Secretary of Homeland Security when they have arrested for a felony an alien unlawfully present in the United States, to require mandatory Federal detention of such individuals pending removal in cases where they are not otherwise detained, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2007

Mr. DENT (for himself, Mr. MARSHALL, Mr. GOHMERT, Mr. REICHERT, Mr. SESSIONS, Mr. FORTUÑO, Mr. SOUDER, Mr. SHAYS, Mr. TIM MURPHY of Pennsylvania, Mr. POE, Mr. PLATTS, Mr. HOLDEN, Mr. FEENEY, Mr. DUNCAN, Mrs. BLACKBURN, Mr. SHUSTER, Mr. GERLACH, Mrs. CAPITO, Mr. MARCHANT, Mr. COBLE, Mr. BILBRAY, Mr. DAVIS of Kentucky, Mr. CARNEY, and Mr. SAXTON) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To require State and local law enforcement agencies to determine the immigration status of all individuals arrested by such agencies for a felony, to require such agencies to report to the Secretary of Homeland Security when they have arrested for a felony an alien unlawfully present in the United States, to require mandatory Federal detention of such individuals pending removal in cases where they are not otherwise detained, 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 “Justice for the Newark  
5 College Students Act”.

6 **SEC. 2. IDENTIFICATION OF ALIENS UNLAWFULLY**  
7 **PRESENT UPON FELONY ARREST.**

8        (a) AVAILABILITY OF INVESTIGATIVE RESOURCES.—  
9 Section 236(d)(1) of the Immigration and Nationality Act  
10 (8 U.S.C. 1226(d)(1)) is amended—

11            (1) in the matter preceding subparagraph (A),  
12            by striking “Attorney General” and inserting “Sec-  
13            retary of Homeland Security”;

14            (2) in subparagraph (A)—

15                    (A) by striking “the Service” and inserting  
16                    “the Department of Homeland Security”; and

17                    (B) by striking “aggravated felonies” and  
18                    inserting “a felony (under the law that is the  
19                    basis of the arrest) or an aggravated felony (as  
20                    defined in section 101(a)(43))”; and

21                    (C) by striking “aliens;” and inserting  
22                    “aliens, and to determine whether such individ-  
23                    uals are unlawfully present in the United  
24                    States;”; and

25            (3) in subparagraph (B)—

1 (A) by striking “the Service” and inserting  
2 “the Department of Homeland Security”; and  
3 (B) by striking “an aggravated felony;”  
4 and inserting “a felony (under the law that is  
5 the basis of the arrest) or an aggravated felony  
6 (as defined in section 101(a)(43));”.

7 (b) REQUIRED USE OF INVESTIGATIVE RE-  
8 SOURCES.—Section 236(d) of the Immigration and Na-  
9 tionality Act (8 U.S.C. 1226(d)) is amended by adding  
10 at the end the following:

11 “(4)(A) A State or local law enforcement official who  
12 arrests an individual for a felony (under the law that is  
13 the basis of the arrest)—

14 (i) shall, through the investigative resources  
15 described in paragraph (d)(1)(A), determine whether  
16 the individual is an alien unlawfully present in the  
17 United States; and

18 (ii) shall inform the court having jurisdiction  
19 over the felony case when the official has determined  
20 that the individual is such an alien.

21 “(B) A court described in subparagraph (A)(ii) shall  
22 inform the Department of Homeland Security of the dis-  
23 position of a felony case described in such subparagraph.”.

1 **SEC. 3. FEDERAL DETENTION OF UNLAWFULLY PRESENT**  
2 **ALIENS.**

3 (a) CUSTODY.—Section 236(c)(1) of the Immigration  
4 and Nationality Act (8 U.S.C. 1226(c)(1)) is amended—

5 (1) in subparagraph (C), by striking “or” at  
6 the end;

7 (2) in subparagraph (D), by adding “or” at the  
8 end; and

9 (3) by inserting after subparagraph (D) the fol-  
10 lowing:

11 “(E) has been determined under subsection  
12 (d)(4)(A) to be an alien unlawfully present in  
13 the United States,”.

14 (b) RELEASE.—Section 236(c)(2) of the Immigration  
15 and Nationality Act (8 U.S.C. 1226(c)(2)) is amended by  
16 adding at the end “Notwithstanding any other provision  
17 of this paragraph, an alien taken into custody under para-  
18 graph (1)(E) may not be released except in furtherance  
19 of the felony case described in subsection (d)(4)(B).”

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