

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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Mrs. BRITT introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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—

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

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

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

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

11           (1) the Biden administration should not have  
12           released Laken Riley’s alleged murderer into the  
13           United States;

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

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

21           (4) President Biden should prevent another  
22           murder like that of Laken Riley by ending the catch-  
23           and-release of illegal aliens, increasing immigration  
24           enforcement, detaining and removing criminal aliens,  
25           reinstating the Remain in Mexico policy, ending his

1 abuse of parole authority, and securing the United  
2 States borders.

3 **SEC. 3. DETENTION OF CERTAIN ALIENS WHO COMMIT**  
4 **THEFT.**

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

7 (1) in paragraph (1)—

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

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

11 (C) by inserting after subparagraph (D)  
12 the following:

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

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

20 (2) by redesignating paragraph (2) as para-  
21 graph (4); and

22 (3) by inserting after paragraph (1) the fol-  
23 lowing:

24 “(2) DEFINITION.—For purposes of paragraph  
25 (1)(E), the terms ‘burglary’, ‘theft’, ‘larceny’, and

1 ‘shoplifting’ have the meaning given such terms in  
2 the jurisdiction where the acts occurred.

3 “(3) DETAINER.—The Secretary of Homeland  
4 Security shall issue a detainer for an alien described  
5 in paragraph (1)(E) and, if the alien is not other-  
6 wise detained by Federal, State, or local officials,  
7 shall effectively and expeditiously take custody of the  
8 alien.”.

9 **SEC. 4. ENFORCEMENT BY ATTORNEY GENERAL OF A**  
10 **STATE.**

11 (a) INSPECTION OF APPLICANTS FOR ADMISSION.—  
12 Section 235(b) of the Immigration and Nationality Act (8  
13 U.S.C. 1225(b)) is amended—

14 (1) by redesignating paragraph (3) as para-  
15 graph (4); and

16 (2) by inserting after paragraph (2) the fol-  
17 lowing:

18 “(3) ENFORCEMENT BY ATTORNEY GENERAL  
19 OF A STATE.—The attorney general of a State, or  
20 other authorized State officer, alleging a violation of  
21 the detention and removal requirements under para-  
22 graphs (1) or (2) that harms such State or its resi-  
23 dents shall have standing to bring an action against  
24 the Secretary of Homeland Security on behalf of  
25 such State or the residents of such State in an ap-

1       appropriate district court of the United States to ob-  
2       tain appropriate injunctive relief. The court shall ad-  
3       vance on the docket and expedite the disposition of  
4       a civil action filed under this paragraph to the great-  
5       est extent practicable. For purposes of this para-  
6       graph, a State or its residents shall be considered to  
7       have been harmed if the State or its residents expe-  
8       rience harm, including financial harm in excess of  
9       \$100.”.

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

14               (1) in subsection (e)—

15                       (A) by striking “or release”; and

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

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

19       “(f) ENFORCEMENT BY ATTORNEY GENERAL OF A  
20       STATE.—The attorney general of a State, or other author-  
21       ized State officer, alleging an action or decision by the  
22       Attorney General or Secretary of Homeland Security  
23       under this section to release any alien or grant bond or  
24       parole to any alien that harms such State or its residents  
25       shall have standing to bring an action against the Attor-

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

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

14 “(e) ENFORCEMENT BY ATTORNEY GENERAL OF A  
15 STATE.—The attorney general of a State, or other author-  
16 ized State officer, alleging a violation of the requirement  
17 to discontinue granting visas to citizens, subjects, nation-  
18 als, and residents as described in subsection (d) that  
19 harms such State or its residents shall have standing to  
20 bring an action against the Secretary of State on behalf  
21 of such State or the residents of such State in an appro-  
22 priate district court of the United States to obtain appro-  
23 priate injunctive relief. The court shall advance on the  
24 docket and expedite the disposition of a civil action filed  
25 under this subsection to the greatest extent practicable.

1 For purposes of this subsection, a State or its residents  
2 shall be considered to have been harmed if the State or  
3 its residents experience harm, including financial harm in  
4 excess of \$100.”.

5 (d) CERTAIN CLASSES OF ALIENS.—Section  
6 212(d)(5) of the Immigration and Nationality Act (8  
7 U.S.C. 1182(d)(5)) is amended—

8 (1) by striking “Attorney General” each place  
9 it appears and inserting “Secretary of Homeland Se-  
10 curity”; and

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

12 “(C) The attorney general of a State, or other au-  
13 thorized State officer, alleging a violation of the limitation  
14 under subparagraph (A) that parole solely be granted on  
15 a case-by-case basis and solely for urgent humanitarian  
16 reasons or a significant public benefit, that harms such  
17 State or its residents shall have standing to bring an ac-  
18 tion against the Secretary of Homeland Security on behalf  
19 of such State or the residents of such State in an appro-  
20 priate district court of the United States to obtain appro-  
21 priate injunctive relief. The court shall advance on the  
22 docket and expedite the disposition of a civil action filed  
23 under this subparagraph to the greatest extent prac-  
24 ticable. For purposes of this subparagraph, a State or its  
25 residents shall be considered to have been harmed if the

1 State or its residents experience harm, including financial  
2 harm in excess of \$100.”.

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

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

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

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

11 “(B) ENFORCEMENT BY ATTORNEY GEN-  
12 ERAL OF A STATE.—The attorney general of a  
13 State, or other authorized State officer, alleging  
14 a violation of the detention requirement under  
15 subparagraph (A) that harms such State or its  
16 residents shall have standing to bring an action  
17 against the Secretary of Homeland Security on  
18 behalf of such State or the residents of such  
19 State in an appropriate district court of the  
20 United States to obtain appropriate injunctive  
21 relief. The court shall advance on the docket  
22 and expedite the disposition of a civil action  
23 filed under this subparagraph to the greatest  
24 extent practicable. For purposes of this sub-  
25 paragraph, a State or its residents shall be con-



1           sidered to have been harmed if the State or its  
2           residents experience harm, including financial  
3           harm in excess of \$100.”.

4           (f) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)  
5 of the Immigration and Nationality Act (8 U.S.C.  
6 1252(f)) is amended by adding at the end following:

7           “(3) CERTAIN ACTIONS.—Paragraph (1) shall  
8           not apply to an action brought pursuant to section  
9           235(b)(3), subsections (e) or (f) of section 236, or  
10          section 241(a)(2)(B).”.