

119TH CONGRESS
2D SESSION

S. 3744

To amend chapter 93 of title 18, United States Code, to prohibit obstruction of immigration laws by official interference.

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2026

Mr. GRAHAM introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 93 of title 18, United States Code, to prohibit obstruction of immigration laws by official interference.

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. OBSTRUCTION OF IMMIGRATION LAWS BY OF-**
4 **FICIAL INTERFERENCE.**

5 (a) IN GENERAL.—Chapter 93 of title 18, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 1925. Obstruction of immigration laws by official**
9 **interference**

10 “(a) DEFINITIONS.—In this section—

1 “(1) the term ‘alien’ has the meaning given
2 that term in section 101(a) of the Immigration and
3 Nationality Act (8 U.S.C. 1001(a));

4 “(2) the terms ‘conceals’, ‘harbors’, and
5 ‘shields’ mean conceals, harbors, or shields, respec-
6 tively, within the meaning given such terms under
7 clause (iii) of section 274(a)(1)(A) of the Immigra-
8 tion and Nationality Act (8 U.S.C. 1324(a)(1)(A));
9 and

10 “(3) the term ‘immigration laws’ has the mean-
11 ing given that term in section 101(a) of the Immi-
12 gration and Nationality Act (8 U.S.C. 1101(a)).

13 “(b) PROHIBITED CONDUCT.—It shall be unlawful
14 for any officer, employee, or contractor of a State or local
15 government, acting under color of law and with intent to
16 impede or obstruct the enforcement of the immigration
17 laws, to knowingly adopt, direct, implement, or enforce a
18 law, regulation, policy, or practice that—

19 “(1) affirmatively prohibits or materially re-
20 stricts Federal immigration officers, or other Fed-
21 eral officials acting authority delegated under immi-
22 gration laws, from entering nonsecure areas of a de-
23 tention facility operated by or on behalf of the State
24 or local government to interview, apprehend, or take

1 custody of an alien subject to arrest or removal pro-
2 ceedings under Federal law;

3 “(2) affirmatively conceals, harbors, or shields
4 an alien subject to arrest or removal proceedings
5 under Federal law in any way, including by directing
6 the alteration, destruction, or withholding of records
7 relating to the immigration status or release from
8 custody of the alien;

9 “(3) requires, aids in, directs, or facilitates the
10 release from custody of an alien subject to arrest or
11 removal under Federal law without providing Fed-
12 eral immigration authorities with a minimum of 48
13 hours notice and opportunity to assume custody;

14 “(4) prohibits or restricts State or local law en-
15 forcement agencies from cooperating with Federal
16 immigration authorities with respect to enforcement
17 of Federal law concerning the removal of aliens, in-
18 cluding through sending, receiving, maintaining, or
19 otherwise exchanging with any Federal, State, or
20 local government entity information regarding the
21 citizenship or immigration status (lawful or unlaw-
22 ful) of any alien;

23 “(5) prohibits or restricts complying with a re-
24 quest lawfully made by the Department of Home-
25 land Security under sections 217, 235, 236, 238,

1 241, or 287 of the Immigration and Nationality Act
2 (8 U.S.C. 1187, 1225, 1226, 1228, 1231, or 1357)
3 to comply with a detainer for, or notify within a
4 minimum of 48 hours in advance about the release
5 of, an alien; or

6 “(6) otherwise prohibits or restricts a State or
7 local government employee, official, or contractor or
8 State or local law enforcement agency from pro-
9 viding assistance with any other request lawfully
10 made by the Department of Homeland Security with
11 respect to enforcement of immigration laws, includ-
12 ing assistance consistent with the safety of indi-
13 vidual Federal officers.

14 “(c) PENALTIES.—An officer or employee of a State
15 or local government who violates subsection (b)—

16 “(1) if a violation results in the release of an
17 alien who, after release and prior to any subsequent
18 arrest or detention, commits an act resulting in the
19 death of any person, shall be fined under this title,
20 imprisoned for any term of years or for life, or both;

21 “(2) if the violation results in the release of an
22 alien who, after release and prior to any subsequent
23 arrest or detention, commits an act resulting in seri-
24 ous bodily injury to any person, shall be fined under

1 this title, imprisoned for not more than 20 years, or
2 both; or

3 “(3) with respect to any other violation, shall be
4 fined under this title, imprisoned for not more than
5 10 years, or both.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENT.—

7 The table of sections for chapter 93 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

 “1925. Obstruction of immigration laws by official interference.”.

