

119TH CONGRESS
1ST SESSION

S. 5

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Laken Riley Act”.

3 **SEC. 2. 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 shoplifting, or assault of a law enforcement offi-
 20 cer offense, or any crime that results in death
 21 or serious bodily injury to another person,”;

22 (2) by redesignating paragraph (2) as para-
 23 graph (4); and

24 (3) by inserting after paragraph (1) the fol-
 25 lowing:

1 “(2) DEFINITION.—For purposes of paragraph
 2 (1)(E), the terms ‘burglary’, ‘theft’, ‘larceny’, ‘shop-
 3 lifting’, ‘assault of a law enforcement officer’, and
 4 ‘serious bodily injury’ have the meanings given such
 5 terms in the jurisdiction in which the acts occurred.”

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

12 **SEC. 3. ENFORCEMENT BY ATTORNEY GENERAL OF A**
 13 **STATE.**

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

17 (1) by redesignating paragraph (3) as para-
 18 graph (4); and

19 (2) by inserting after paragraph (2) the fol-
 20 lowing:

21 “(3) ENFORCEMENT BY ATTORNEY GENERAL
 22 OF A STATE.—The attorney general of a State, or
 23 other authorized State officer, alleging a violation of
 24 the detention and removal requirements under para-
 25 graph (1) or (2) that harms such State or its resi-

1 dents shall have standing to bring an action against
 2 the Secretary of Homeland Security on behalf of
 3 such State or the residents of such State in an ap-
 4 propriate district court of the United States to ob-
 5 tain appropriate injunctive relief. The court shall ad-
 6 vance on the docket and expedite the disposition of
 7 a civil action filed under this paragraph to the great-
 8 est extent practicable. For purposes of this para-
 9 graph, a State or its residents shall be considered to
 10 have been harmed if the State or its residents expe-
 11 rience harm, including financial harm in excess of
 12 \$100.”.

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

17 (1) in subsection (e)—

18 (A) by striking “or release”; and

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

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

22 “(f) ENFORCEMENT BY ATTORNEY GENERAL OF A
 23 STATE.—The attorney general of a State, or other author-
 24 ized State officer, alleging an action or decision by the
 25 Attorney General or Secretary of Homeland Security

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

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

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

1 priate injunctive relief. The court shall advance on the
 2 docket and expedite the disposition of a civil action filed
 3 under this subsection to the greatest extent practicable.
 4 For purposes of this subsection, a State or its residents
 5 shall be considered to have been harmed if the State or
 6 its residents experience harm, including financial harm in
 7 excess of \$100.”.

8 (d) CERTAIN CLASSES OF ALIENS.—Section
 9 212(d)(5) of the Immigration and Nationality Act (8
 10 U.S.C. 1182(d)(5)) is amended—

11 (1) by striking “Attorney General” each place
 12 such term appears and inserting “Secretary of
 13 Homeland Security”; and

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

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

1 under this subparagraph to the greatest extent prac-
 2 ticable. For purposes of this subparagraph, a State or its
 3 residents shall be considered to have been harmed if the
 4 State or its residents experience harm, including financial
 5 harm in excess of \$100.”.

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

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

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

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

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

1 filed under this subparagraph to the greatest
 2 extent practicable. For purposes of this sub-
 3 paragraph, a State or its residents shall be con-
 4 sidered to have been harmed if the State or its
 5 residents experience harm, including financial
 6 harm in excess of \$100.”.

7 (f) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)
 8 of the Immigration and Nationality Act (8 U.S.C.
 9 1252(f)) is amended by adding at the end following:

10 “(3) CERTAIN ACTIONS.—Paragraph (1) shall
 11 not apply to an action brought pursuant to section
 12 235(b)(3), subsections (e) or (f) of section 236, or
 13 section 241(a)(2)(B).”.

Passed the Senate January 20, 2025.

Attest:

Secretary.

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