IMPROVING PUBLIC SAFETY THROUGH IMMIGRATION WARRANT ISSUANCE ACT

The Improving Public Safety Through Immigration Warrant Issuance Act would create a statutory mechanism for ICE to obtain from a judge a warrant to hold someone in state or local custody until ICE can carry out a custodial transfer, ensuring individuals charged with, or convicted of violent crimes are not released into the community. Under current law, noncitizens subject to mandatory detention may be released by a state or local government pursuant to local laws, even if ICE issues a detainer.

This bill would close that gap by:

- Providing ICE the ability to lawfully request that any jurisdiction hold a noncitizen in custody until ICE arrives;
- Protecting due process and consistency with the U.S. Constitution by requiring ICE to show probable cause, which is the same standard that state and local governments must meet to obtain a criminal warrant;
- Ensuring that individuals who have been charged or convicted of a felony, a crime of violence, including crimes against children, or who are a national security threat and are removable under immigration law, remain in physical custody as appropriate; and
- Requiring that an entity holding a noncitizen, pursuant to a lawfully served warrant, notifies the federal government when such noncitizen is planned to be released.

THE BILL WOULD NOT:

- Interfere with ICE's current ability to use detainer requests. ICE would retain the authority to issue detainer requests, but under this bill, ICE would have another tool to utilize if a jurisdiction does not comply with those requests;
- Require state or local law enforcement to enforce immigration law. It would only require such officials to temporarily maintain custody of a noncitizen charged with, or convicted of a serious crime, and only pursuant to a warrant issued by a judge; or
- Interfere with the Tenth Amendment by withholding or penalizing jurisdictions in an unduly coercive way, if their local elected leadership has chosen an alternative approach.

CHRIS
MURPHY
U.S. SENATOR FOR CONNECTICUT