

118TH CONGRESS
1ST SESSION

S. 129

To ensure due process protections of individuals in the United States against unlawful detention based solely on a protected characteristic.

IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2023

Ms. DUCKWORTH (for herself, Ms. HIRONO, Mrs. FEINSTEIN, Mr. BOOKER, Mr. MARKEY, Mr. DURBIN, Ms. WARREN, Mr. MERKLEY, Mr. BLUMENTHAL, Ms. CORTEZ MASTO, Mr. PADILLA, Mr. COONS, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. WYDEN, Mr. VAN HOLLEN, Mrs. MURRAY, Mr. SANDERS, Ms. SMITH, Mr. WHITEHOUSE, Mr. REED, Ms. BALDWIN, Mr. CASEY, Mr. CARDIN, Mr. WELCH, and Mr. KAINÉ) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To ensure due process protections of individuals in the United States against unlawful detention based solely on a protected characteristic.

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 “Korematsu-Takai Civil
5 Liberties Protection Act of 2023”.

1 **SEC. 2. PROHIBITION AGAINST UNLAWFUL DETENTION.**

2 Section 4001 of title 18, United States Code, is
3 amended—

4 (1) by redesignating subsection (b) as sub-
5 section (c); and

6 (2) by inserting after subsection (a) the fol-
7 lowing:

8 “(b) PROHIBITION ON DETENTION BASED ON PRO-
9 TECTED CHARACTERISTICS.—

10 “(1) DEFINITION.—In this subsection, the term
11 ‘protected characteristic’ includes each of the fol-
12 lowing:

13 “(A) Race.

14 “(B) Ethnicity.

15 “(C) National origin.

16 “(D) Religion.

17 “(E) Sex.

18 “(F) Gender identity.

19 “(G) Sexual orientation.

20 “(H) Disability.

21 “(I) Any additional characteristic that the
22 Attorney General determines to be a protected
23 characteristic.

24 “(2) PROHIBITION.—No individual may be im-
25 prisoned or otherwise detained based solely on an ac-

1 tual or perceived protected characteristic of the indi-
2 vidual.

3 “(3) RULE OF CONSTRUCTION.—Nothing in
4 this subsection shall be construed to allow the Attor-
5 ney General to remove a characteristic described in
6 subparagraphs (A) through (H) of paragraph (1).”.

○