

115TH CONGRESS  
1ST SESSION

# S. 51

To make habitual drunk drivers inadmissible and removable and to require the detention of any alien who is unlawfully present in the United States and has been charged with driving under the influence or driving while intoxicated.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 5, 2017

Mr. GRASSLEY (for himself, Mrs. ERNST, Mr. McCONNELL, Mr. LEE, Mr. CRUZ, Mr. MORAN, Mr. ROBERTS, Mr. SHELBY, Mr. INHOFE, Mr. WICKER, Mr. HATCH, and Mr. COTTON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To make habitual drunk drivers inadmissible and removable and to require the detention of any alien who is unlawfully present in the United States and has been charged with driving under the influence or driving while intoxicated.

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 “Taking Action Against  
5 Drunk Drivers Act”.

1 **SEC. 2. MANDATORY DETENTION FOR DRUNK DRIVERS.**

2 Section 236(c)(1) of the Immigration and Nationality  
3 Act (8 U.S.C. 1226(c)(1)) is amended—

4 (1) in subparagraphs (A) and (B), by striking  
5 the comma at the end of each subparagraph and in-  
6 serting a semicolon;

7 (2) in subparagraph (C)—

8 (A) by striking “sentence” and inserting  
9 “sentenced”; and

10 (B) by striking “, or” and inserting a  
11 semicolon;

12 (3) in subparagraph (D), by striking the comma  
13 at the end and inserting “; or”; and

14 (4) by inserting after subparagraph (D) the fol-  
15 lowing:

16 “(E)(i)(I) was not inspected and admitted  
17 into the United States;

18 “(II) held a nonimmigrant visa (or other  
19 documentation authorizing admission into the  
20 United States as a nonimmigrant) that has  
21 been revoked under section 221(i); or

22 “(III) is described in section  
23 237(a)(1)(C)(i); and

24 “(ii) has a pending charge, by a pros-  
25 ecuting authority in the United States, of driv-  
26 ing under the influence or driving while intoxi-

1 cated, under Federal or State law, regardless of  
2 whether the offense is classified as a felony or  
3 a misdemeanor,”.

4 **SEC. 3. BANNING HABITUAL DRUNK DRIVERS FROM THE**  
5 **UNITED STATES.**

6 (a) **GROUND** **S FOR INADMISSIBILITY.**—Section  
7 212(a)(2) of the Immigration and Nationality Act (8  
8 U.S.C. 1182(a)(2)) is amended—

9 (1) by redesignating subparagraph (F) as sub-  
10 subparagraph (J) and placing it after subparagraph (I);  
11 and

12 (2) by inserting after subparagraph (E) the fol-  
13 lowing:

14 “(F) **HABITUAL DRUNK DRIVERS.**—An  
15 alien convicted of three or more offenses for  
16 driving under the influence or driving while in-  
17 toxicated, under Federal or State law, regard-  
18 less of whether the offenses are classified as  
19 felonies or misdemeanors, is inadmissible.”.

20 (b) **GROUND** **S FOR DEPORTATION.**—Section  
21 237(a)(2) of the Immigration and Nationality Act (8  
22 U.S.C. 1227(a)(2)) is amended by adding at the end the  
23 following:

24 “(G) **HABITUAL DRUNK DRIVERS.**—An  
25 alien convicted of three or more offenses for

1 driving under the influence or driving while in-  
2 toxicated, under Federal or State law, regard-  
3 less of whether the offenses are classified as  
4 felonies or misdemeanors, is deportable if at  
5 least one of such offenses occurred after the  
6 date of the enactment of this subparagraph.”.

7 (c) DEFINITION OF AGGRAVATED FELONY.—

8 (1) IN GENERAL.—Section 101(a)(43)(F) of the  
9 Immigration and Nationality Act (8 U.S.C.  
10 1101(a)(43)(F)) is amended by striking “for which  
11 the term of imprisonment” and inserting “, includ-  
12 ing a third conviction for driving under the influence  
13 or driving while intoxicated, under Federal or State  
14 law, regardless of whether the offense is classified as  
15 a felony or a misdemeanor, for which the term of  
16 imprisonment is”.

17 (2) EFFECTIVE DATE; APPLICATION.—

18 (A) EFFECTIVE DATE.—The amendment  
19 made by paragraph (1) shall take effect on the  
20 date of the enactment of this Act.

21 (B) APPLICATION.—

22 (i) IN GENERAL.—Except as provided  
23 in clause (ii), the amendment made by  
24 paragraph (1) shall apply to a conviction  
25 for driving under the influence of alcohol

1 or drugs that occurred before, on, or after  
2 such date of enactment.

3 (ii) TWO OR MORE PRIOR CONVIC-  
4 TIONS.—An alien who received two or  
5 more convictions for driving under the in-  
6 fluence of alcohol or drugs before the date  
7 of the enactment of this Act may not be  
8 subject to removal for the commission of  
9 an aggravated felony pursuant to section  
10 237(a)(2)(A)(iii) of the Immigration and  
11 Nationality Act (8 U.S.C.  
12 1227(a)(2)(A)(iii)) on the basis of such  
13 convictions until the date on which the  
14 alien is convicted of another such offense  
15 after such date of enactment.

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