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Councilmember Tommy Wells

Councilmember Yvette Alexander

Councilmember Marion S. Barry

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Phil Mendelson introduced the following bill which was referred to the Committee on _____.

To amend An Act To create a Department of Corrections in the District of Columbia to limit the circumstances under which the District will comply with an immigration detainer request from United States Immigration and Customs Enforcement.

1 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
2 act may be cited as the “Immigration Detainer Compliance Amendment Act of 2011”.

3 Sec. 2. Section 6 of An Act To create a Department of Corrections in the District of
4 Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.01 *et seq.*), is
5 amended by adding a new Section 7 to read as follows:

6 “Sec. 7. District compliance with federal immigration detainers.

7 “(a) The District of Columbia is authorized to comply with civil detainer requests from
8 United States Immigration and Customs Enforcement (ICE) by holding inmates for an additional
9 24-hour period after they would otherwise be released, but only in compliance with the
10 requirements of subsection (b) of this section.

11 “(b) Upon written request by an ICE agent to detain a District of Columbia inmate for
12 suspected violations of federal civil immigration law, the District shall exercise discretion
13 regarding whether to comply with the request and may comply only if:

14 “(1) There exists a prior written agreement with the federal government by which
15 all costs incurred by the District in complying with the ICE detainer shall be reimbursed; and

16 “(2) The individual sought to be detained:

17 “(A) Is an adult, as defined in D.C. Official Code § 16-2301(5); and

18 “(B) Has been convicted of:

19 “(i) A dangerous crime as defined in D.C. Official Code § 23-
20 1331(3) or crime of violence as defined in D.C. Official Code § 23-1331(4), for which he or she
21 is currently in custody;

22 “(ii) A dangerous crime as defined in D.C. Official Code § 23-
23 1331(3) or crime of violence as defined in D.C. Official Code § 23-1331(4) within 10 years of

1 the detainer request, or was released after having served a sentence for such dangerous crime or
2 crime of violence within 5 years of the request, whichever is later; or

3 “(iii) A crime in another jurisdiction which if committed in the
4 District of Columbia would qualify as an offense listed in D.C. Official Code § 23-1331(3) or
5 (4).

6 “(c) Notwithstanding subsection (b)(2)(B)(ii) of this section, a detainer request for an
7 individual who has been convicted of a homicide crime shall be honored regardless of when the
8 conviction occurred.

9 “(d) Except as otherwise required by this law or unless ICE agents have a criminal
10 warrant, District personnel shall not expend District resources responding to ICE inquiries or
11 communicating with ICE regarding individuals’ incarceration status or release dates.”.

12 Sec. 3. Fiscal impact statement.

13 The Council adopts the fiscal impact statement in the committee report as the fiscal
14 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
15 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

16 Sec. 4. Effective date.

17 This act shall take effect following approval by the Mayor (or in the event of veto by the
18 Mayor, action by the Council to override the veto), a 60-day period of Congressional review as
19 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
20 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
21 Columbia Register.