

12X. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MYRICK OF NORTH CAROLINA, OR HER
DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES:

79

**AMENDMENT TO H.R. 4437, AS REPORTED
OFFERED BY MRS. MYRICK OF NORTH CAROLINA**

In section 606, add at the end the following:

1 (c) UNAUTHORIZED ALIENS CONVICTED OF DWI.—
2 Section 237(a)(2)(A)(iii) of the Immigration and Nation-
3 ality Act (8 U.S.C. 1227(a)(2)(A)(iii)) is amended by in-
4 serting “other than an unauthorized alien described in this
5 clause” after “alien” and by inserting at the end the fol-
6 lowing: “In the case of an unauthorized alien (as defined
7 in section 274A(h)(3)), a first drunk driving conviction
8 shall be deemed to satisfy the definition of aggravated fel-
9 ony under section 101(a)(43)(F).”.

Strike section 606(a) and insert the following (and
redesignate subsequent subsections accordingly):

10 (a) IN GENERAL.—Section 236 of the Immigration
11 and Nationality Act (8 U.S.C. 1226) is amended—

12 (1) in subsection (c)(1)—

13 (A) in subparagraph (C), by striking “or”
14 at the end;

15 (B) in subparagraph (D), by inserting
16 “or” at the end; and



1 (C) by inserting after subparagraph (D)
2 the following new subparagraph:

3 “(E) is deportable on any grounds and is
4 apprehended for driving while intoxicated, driv-
5 ing under the influence, or similar violation of
6 State law (as determined by the Secretary of
7 Homeland Security) by a State or local law en-
8 forcement officer covered under an agreement
9 under section 287(g),”;

10 (2) by redesignating subsection (e) as sub-
11 section (f); and

12 (3) by inserting after subsection (d) the fol-
13 lowing new subsection:

14 “(e) DRIVING WHILE INTOXICATED.—If a State or
15 local law enforcement officer apprehends an individual for
16 an offense described in subsection (c)(1)(E) and the offi-
17 cer has reasonable ground to believe that the individual
18 is an alien—

19 “(1) the officer shall verify with the databases
20 of the Federal Government, including the National
21 Criminal Information Center and the Law Enforce-
22 ment Support Center, whether the individual is an
23 alien and whether such alien is unlawfully present in
24 the United States; and

25 “(2) if any such database—



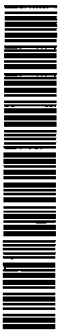
1 “(A) indicates that the individual is an
2 alien unlawfully present in the United States—

3 “(i) an officer covered under an agree-
4 ment under section 287(g) is authorized to
5 issue a Federal detainer to maintain the
6 alien in custody in accordance with such
7 agreement until the alien is convicted for
8 such offense or the alien is transferred to
9 Federal custody;

10 “(ii) the officer is authorized to trans-
11 port the alien to a location where the alien
12 can be transferred to Federal custody and
13 shall be removed from the United States in
14 accordance with applicable law; and

15 “(iii) the Secretary of Homeland Se-
16 curity shall reimburse the State and local
17 law enforcement agencies involved for the
18 costs of transporting aliens when such
19 transportation is not done in the course of
20 their normal duties; or

21 “(B) indicates that the individual is an
22 alien but is not unlawfully present in the
23 United States, the officer shall take the alien
24 into custody for such offense in accordance with
25 State law and shall promptly notify the Sec-



1 retary of Homeland Security of such apprehen-
2 sion and maintain the alien in custody pending
3 a determination by the Secretary with respect
4 to any action to be taken by the Secretary
5 against such alien.”.

6 (b) DEPORTATION FOR DWI.—

7 (1) IN GENERAL.—Section 237(a)(2) of such
8 Act (8 U.S.C. 1227(a)(2)) is amended by adding at
9 the end the following new subparagraph:

10 “(F) DRIVING WHILE INTOXICATED.—Any
11 alien who is convicted of driving while intoxi-
12 cated, driving under the influence, or similar
13 violation of State law (as determined by the
14 Secretary of Homeland Security), or who re-
15 fuses in violation of State law to submit to a
16 Breathalyzer test or other test for the purpose
17 of determining blood alcohol content is deport-
18 able and shall be deported.”.

19 (2) EFFECTIVE DATE.—The amendment made
20 by paragraph (1) shall apply to violations or refusals
21 occurring after the date of the enactment of this
22 Act.

23 (c) SHARING OF INFORMATION BY MOTOR VEHICLE
24 ADMINISTRATORS REGARDING DWI CONVICTIONS AND



1 REFUSALS.—Each State motor vehicle administrator
2 shall—

3 (1) share with the Secretary of Homeland Secu-
4 rity information relating to any alien who has a con-
5 viction or refusal described in section 237(a)(2)(F)
6 of the Immigration and Nationality Act;

7 (2) share such information with other State
8 motor vehicle administrators through the Drivers Li-
9 cense Agreement of the American Association of
10 Motor Vehicle Administrators; and

11 (3) enter such information into the NCIC in a
12 timely manner.

In section 608(b), amending section 237(a)(2) of the
Immigration and Nationality Act, strike “(F) CRIMI-
NAL’” and insert “(G) CRIMINAL’”.

