

AN ACT

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District of
Columbia
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Immigration Detainer Compliance Emergency Amendment Act of 2012”.

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

Note,
§ 24-211.06

“Sec. 7. District compliance with federal immigration detainees.

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

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

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

“(2) The individual sought to be detained:

“(A) Is 18 years of age or older; and

“(B) Has been convicted of:

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

“(ii) A dangerous crime as defined in D.C. Official Code §

23-1331(3) or crime of violence as defined in D.C. Official Code § 23-1331(4) within 10 years of the detainer request, or was released after having served a sentence for such dangerous crime or crime of violence within 5 years of the request, whichever is later; or

“(iii) A crime in another jurisdiction which if committed in the District of Columbia would qualify as an offense listed in D.C. Official Code § 23-1331(3) or (4); provided, that the conviction occurred within 10 years of the detainer request, or the individual was released after having served a sentence for such crime within 5 years of the request, whichever is later.

“(c) Notwithstanding subsection (b)(2)(B)(ii) and (iii) of this section, a detainer request for an individual who has been convicted of a homicide crime, pursuant to An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2101 *et seq.*), or a crime in another jurisdiction which if committed in the District of Columbia would qualify as a homicide crime, may be honored regardless of when the conviction occurred.

“(d)(1) The District shall not provide to any ICE agent an office, booth, or any facility or equipment for a generalized search of or inquiry about inmates or permit an ICE agent to conduct an individualized interview of an inmate without giving the inmate an opportunity to have counsel present.

“(2) This subsection shall not be construed to establish a right to counsel that does not otherwise exist in law.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Immigration Detainer Compliance Amendment Act of 2012, passed on 1st reading on June 5, 2012 (Engrossed version of Bill 19-585), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman Pro Tempore
Council of the District of Columbia

Mayor
District of Columbia