

117TH CONGRESS
2D SESSION

S. 4948

To allow States to authorize State and local law enforcement officers to enforce the provisions of Federal immigration law relating to unlawful entry into the United States.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2022

Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To allow States to authorize State and local law enforcement officers to enforce the provisions of Federal immigration law relating to unlawful entry into the United States.

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 “Empowering States
5 to Deport Illegal Immigrants Act”.

1 **SEC. 2. AUTHORIZATION OF STATE AND LOCAL LAW EN-**
2 **FORCEMENT OFFICERS TO ENFORCE CER-**
3 **TAIN FEDERAL IMMIGRATION LAWS.**

4 (a) IN GENERAL.—States may authorize State and
5 local law enforcement officers to enforce provisions of Fed-
6 eral immigration law that prohibit the unlawful entry into
7 the United States, including sections 271 through 280 of
8 the Immigration and Nationality Act (8 U.S.C. 1321
9 through 1330).

10 (b) EFFECT OF AUTHORIZATION ON SUPREME
11 COURT RULING.—Subsection (a) effectively abrogates the
12 2012 decision of the Supreme Court in *Arizona v. United*
13 *States* (567 U.S. 387).

14 (c) PROSECUTION AUTHORITY.—Notwithstanding
15 any other provision of law, State prosecutors are author-
16 ized to initiate prosecutions for violations of Federal immi-
17 gration law referred to in subsection (a) in a United States
18 District Court that has jurisdiction over—

19 (1) the place at which any such violation oc-
20 curred; or

21 (2) the place at which the person charged for
22 any such violation is apprehended.

23 (d) CONFORMING AMENDMENT.—Section 279 of the
24 Immigration and Nationality Act (8 U.S.C. 1329) is
25 amended—

1 (1) by inserting “, or by a State prosecutor
2 pursuant to section 2(c) of the Empowering States
3 to Deport Illegal Immigrants Act,” before “that
4 arise”; and

5 (2) by inserting “It shall be the duty of the
6 State prosecutor of the appropriate State to pros-
7 ecute every such suit when brought by a State.”
8 after “United States.”

○