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Federal Criminal Immigration Courts Act of 2009 (Introduced in House)

HR 314 IH

111th CONGRESS

1st Session

H. R. 314

To increase the number of Federal judgeships in certain judicial districts with heavy caseloads of criminal immigration cases.

IN THE HOUSE OF REPRESENTATIVES

January 8, 2009

Mr. CUELLAR introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To increase the number of Federal judgeships in certain judicial districts with heavy caseloads of criminal immigration cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Federal Criminal Immigration Courts Act of 2009'.

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings- Based on the recommendations made by the 2007 Judicial Conference and the statistical data provided by the 2006 Federal Court Management Statistics (issued by the Administrative Office of the United States Courts), the Congress finds the following:

- (1) Federal courts along the southwest border of the United States have a greater percentage of their criminal caseload affected by immigration cases than other Federal courts.
- (2) The percentage of criminal immigration cases in most southwest border district courts totals more than 49 percent of the total criminal caseloads of those districts.
- (3) The current number of judges authorized for those courts is inadequate to handle the current caseload.
- (4) Such an increase in the caseload of criminal immigration filings requires a corresponding increase in the number of Federal judgeships.
- (5) The 2007 Judicial Conference recommended the addition of judgeships to meet this growing burden.
- (6) The Congress should authorize the additional district court judges necessary to carry out the 2007 recommendations of the Judicial Conference for district courts in which the criminal immigration filings represented more than 49 percent of all criminal filings for the 12-month period ending September 30, 2006.

(b) Purpose- The purpose of this Act is to increase the number of Federal judgeships, in accordance with the recommendations of the 2007 Judicial Conference, in district courts that have an extraordinarily high criminal

immigration caseload.

SEC. 3. ADDITIONAL DISTRICT COURT JUDGESHIPS.

(a) Permanent Judgeships--

(1) IN GENERAL- The President shall appoint, by and with the advice and consent of the Senate--

- (A) 4 additional district judges for the district of Arizona;
- (B) 1 additional district judge for the district of New Mexico;
- (C) 2 additional district judges for the southern district of Texas; and
- (D) 1 additional district judge for the western district of Texas.

(2) CONFORMING AMENDMENTS- In order that the table contained in section 133(a) of title 28, United States Code, reflect the number of additional judges authorized under paragraph (1), such table is amended--

- (A) in the item relating to Arizona, by striking `12' and inserting `16';
- (B) in the item relating to New Mexico, by striking `6' and inserting `7';
- (C) in the item relating to Texas--
 - (i) by striking `19' and inserting `21' and;
 - (ii) by striking `13' and inserting `14'.

(b) Temporary Judgeships-

(1) IN GENERAL- The President shall appoint, by and with the advice and consent of the Senate--

- (A) 1 additional district judge for the district of Arizona; and
- (B) 1 additional district judge for the district of New Mexico.

(2) VACANCY NOT FILLED- For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

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