

## 116TH CONGRESS 1ST SESSION H.R. 1288

To ensure due process protections of individuals in the United States against unlawful detention based solely on a protected characteristic.

## IN THE HOUSE OF REPRESENTATIVES

February 14, 2019

Mr. Takano (for himself, Ms. Schakowsky, Ms. Norton, Ms. Judy Chu of California, and Mr. McGovern) introduced the following bill; which was referred to the Committee on the Judiciary

## A BILL

- To ensure due process protections of individuals in the United States against unlawful detention based solely on a protected characteristic.
  - 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 "Korematsu-Takai Civil
  - 5 Liberties Protection Act of 2019".
  - 6 SEC. 2. PROHIBITION AGAINST UNLAWFUL DETENTION.
  - 7 Section 4001 of title 18, United States Code, is
  - 8 amended—

1	(1) by redesignating subsection (b) as sub-
2	section (c); and
3	(2) by inserting after subsection (a) the fol-
4	lowing:
5	"(b) Prohibition on Detention Based on Pro-
6	TECTED CHARACTERISTICS.—
7	"(1) In general.—No individual may be im-
8	prisoned or otherwise detained based solely on an ac-
9	tual or perceived protected characteristic of the indi-
10	vidual.
11	"(2) Definition.—In this subsection, the term
12	'protected characteristic' includes each of the fol-
13	lowing:
14	"(A) Race.
15	"(B) Ethnicity.
16	"(C) National origin.
17	"(D) Religion.
18	"(E) Sex.
19	"(F) Gender identity.
20	"(G) Sexual orientation.
21	"(H) Disability.
22	"(I) Any additional characteristic that the
23	Attorney General determines to be a protected
24	characteristic.

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to allow the Attorney General to remove a characteristic described in subparagraphs (A) through (H) of paragraph (2) from the definition of the term 'protected characteristic' under this subsection.".

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