

CONGRESSIONAL RESEARCH SERVICE SUMMARY OF CONSULAR NOTIFICATION COMPLIANCE ACT OF 2011

S.1194

Sponsor: [Sen Leahy, Patrick J.](#) [VT] (introduced 6/14/2011) Cosponsors (None)

Latest Major Action: 7/27/2011 Senate committee/subcommittee actions. Status: Committee on the Judiciary. Hearings held.

SUMMARY AS OF:

6/14/2011--Introduced.

Consular Notification Compliance Act of 2011 - States that the purpose of this Act is to facilitate compliance with Article 36 of the Vienna Convention on Consular Relations (Convention) and any comparable provision of a bilateral international agreement addressing consular notification and access.

Requires that: (1) an individual who is not a U.S. national who is detained or arrested by a federal, state, or local officer or employee be notified that such individual may request that his or her consulate be notified of the detention or arrest; (2) if so requested, an appropriate official shall notify the consulate; and (3) if the consulate has not been so notified, notification shall occur not later than the individual's first court appearance.

Provides that: (1) a federal court shall have jurisdiction to review a petition claiming a violation of the Convention or a comparable bilateral international agreement addressing consular notification and access filed by an individual convicted and sentenced to death by any federal or state court before the date of enactment of this Act; (2) if an execution date has been set the court shall grant a stay of execution if necessary to allow the court to review a petition; (3) an individual must show actual prejudice to the conviction or sentence resulting from the violation (the court may conduct an evidentiary hearing and, upon a finding of actual prejudice, order a new trial or sentencing proceeding); (4) a petition for review shall be part of the first federal habeas corpus application or motion for federal collateral relief filed by an individual; and (5) a final order on a petition for review shall be subject to appeal if a district or circuit judge issues a certificate of appealability.

Permits an individual who is arrested, detained, or held for trial (but not yet convicted and sentenced) on a charge that would expose the individual to a capital sentence to raise a claim of a violation of the Convention or a comparable provision of a bilateral international agreement addressing consular notification and access, at a reasonable time after the individual becomes aware of the violation, before the court of jurisdiction.

Requires: (1) notification of the appropriate consulate by the detaining authority and consular access to the individual, and (2) the court to postpone any proceedings if necessary to allow for consular access and assistance. Authorizes the court to conduct evidentiary hearings to resolve factual issues.