

Union Calendar No. 294

118TH CONGRESS
2D SESSION

H. R. 5585

[Report No. 118-359]

To impose criminal and immigration penalties for intentionally fleeing a pursuing Federal officer while operating a motor vehicle.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2023

Mr. CISCOMANI (for himself, Ms. DE LA CRUZ, Mr. TONY GONZALES of Texas, Mr. DONALDS, Mr. GIMENEZ, Mr. HIGGINS of Louisiana, and Mr. LANGWORTHY) introduced the following bill; which was referred to the Committee on the Judiciary

JANUARY 25, 2024

Additional sponsors: Mr. WEBER of Texas, Mrs. MILLER-MEEKS, Mr. VALADAO, Mr. D'ESPOSITO, Mr. WILLIAMS of Texas, Mr. BAIRD, Mr. STAUBER, Mr. DIAZ-BALART, Ms. SALAZAR, Mr. PFLUGER, Mrs. HINSON, Mrs. LUNA, and Mr. LAWLER

JANUARY 25, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on September 20, 2023]

A BILL

To impose criminal and immigration penalties for intentionally fleeing a pursuing Federal officer while operating a motor vehicle.

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 “Agent Raul Gonzalez Officer*
5 *Safety Act”.*

6 **SEC. 2. CRIMINAL PENALTIES FOR EVADING ARREST OR DE-**
7 **TENTION.**

8 *(a) IN GENERAL.—Chapter 2 of title 18, United States*
9 *Code, is amended by adding at the end the following:*

10 **“§40B. Evading arrest or detention while operating a**
11 **motor vehicle**

12 *“(a) OFFENSE.—A person commits an offense under*
13 *this section by operating a motor vehicle within 100 miles*
14 *of the United States border while intentionally fleeing*
15 *from—*

16 *“(1) a pursuing U.S. Border Patrol agent acting*
17 *pursuant to lawful authority; or*

18 *“(2) any pursuing Federal, State, or local law*
19 *enforcement officer who is actively assisting, or under*
20 *the command of, U.S. Border Patrol.*

21 *“(b) PENALTIES.—*

22 *“(1) IN GENERAL.—Except as provided in para-*
23 *graphs (2) and (3), any person who commits an of-*
24 *fense described in subsection (a) shall be—*

1 “(A) imprisoned for a term of not more
2 than 2 years;

3 “(B) fined under this title; or

4 “(C) subject to the penalties described in
5 subparagraphs (A) and (B).

6 “(2) *SERIOUS BODILY INJURY.*—If serious bodily
7 injury results from the commission of an offense de-
8 scribed in subsection (a), the person committing such
9 offense shall be—

10 “(A) imprisoned for a term of not less than
11 5 years and not more than 20 years;

12 “(B) fined under this title; or

13 “(C) subject to the penalties described in
14 subparagraphs (A) and (B).

15 “(3) *DEATH.*—If the death of any person results
16 from the commission of an offense described in sub-
17 section (a), the person committing such offense shall
18 be—

19 “(A) imprisoned for a term of not less than
20 10 years and up to life;

21 “(B) fined under this title; or

22 “(C) subject to the penalties described in
23 subparagraphs (A) and (B).”.

1 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 2 *2 of title 18, United States Code, is amended by adding*
 3 *at the end the following:*

“40B. *Evading arrest or detention while operating a motor vehicle.*”.

4 **SEC. 3. INADMISSIBILITY, DEPORTABILITY, AND INELIGI-**
 5 **BILITY RELATED TO EVADING ARREST OR DE-**
 6 **TENTION WHILE OPERATING A MOTOR VEHI-**
 7 **CLE.**

8 (a) *INADMISSIBILITY.*—*Section 212(a)(2) of the Immi-*
 9 *gration and Nationality Act (8 U.S.C. 1182(a)(2)) is*
 10 *amended by adding at the end the following:*

11 “(J) *EVADING ARREST OR DETENTION*
 12 *WHILE OPERATING A MOTOR VEHICLE.*—*Any*
 13 *alien who has been convicted of, who admits hav-*
 14 *ing committed, or who admits committing acts*
 15 *which constitute the essential elements of a viola-*
 16 *tion of section 40B(a) of title 18, United States*
 17 *Code, is inadmissible.*”.

18 (b) *DEPORTABILITY.*—*Section 237(a)(2) of the Immi-*
 19 *gration and Nationality Act (8 U.S.C. 1227(a)(2)) is*
 20 *amended by adding at the end the following:*

21 “(G) *EVADING ARREST OR DETENTION*
 22 *WHILE OPERATING A MOTOR VEHICLE.*—*Any*
 23 *alien who has been convicted of, who admits hav-*
 24 *ing committed, or who admits committing acts*
 25 *which constitute the essential elements of a viola-*

1 tion of section 40B(a) of title 18, United States
2 Code, is deportable.”.

3 (c) *INELIGIBILITY FOR RELIEF*.—Chapter 2 of title II
4 of the Immigration and Nationality Act is amended by in-
5 serting after section 208 the following:

6 “**SEC. 208A. INELIGIBILITY FOR RELIEF RELATED TO EVAD-**
7 **ING ARREST OR DETENTION WHILE OPER-**
8 **ATING A MOTOR VEHICLE.**

9 “Any alien who has been convicted of, who admits hav-
10 ing committed, or who admits committing acts which con-
11 stitute the essential elements of a violation of section 40B(a)
12 of title 18, United States Code, shall be ineligible for relief
13 under the immigration laws, including asylum under sec-
14 tion 208.”.

15 **SEC. 4. ANNUAL REPORT.**

16 The Attorney General shall submit an annual report
17 to the Committee on the Judiciary of the Senate and the
18 Committee on the Judiciary of the House of Representatives
19 that—

20 (1) identifies the number of people who were
21 charged, during the reporting period, with a violation
22 of section 40B(a) of title 18, United States Code, as
23 added by section 2(a); and

24 (2) summarizes—

1 (A) *the penalties sought in the charging*
2 *documents pertaining to the violations referred*
3 *to in paragraph (1); and*

4 (B) *the penalties imposed for such viola-*
5 *tions.*

Union Calendar No. 294

118TH CONGRESS
2^D SESSION

H. R. 5585

[Report No. 118-359]

A BILL

To impose criminal and immigration penalties for intentionally fleeing a pursuing Federal officer while operating a motor vehicle.

JANUARY 25, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed