

118TH CONGRESS
2D SESSION

H. R. 7343

IN THE SENATE OF THE UNITED STATES

MAY 16, 2024

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To amend the Immigration and Nationality Act to provide for the detention of certain aliens who commit assault against law enforcement officers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Detain and Deport
3 Illegal Aliens Who Assault Cops Act”.

4 **SEC. 2. DETENTION OF CERTAIN ALIENS WHO COMMIT AS-**
5 **SAULT AGAINST LAW ENFORCEMENT OFFI-**
6 **CERS.**

7 Section 236(c) of the Immigration and Nationality
8 Act (8 U.S.C. 1226(c)) is amended—

9 (1) in paragraph (1)—

10 (A) in the matter preceding subparagraph
11 (A), by striking “Attorney General” and insert-
12 ing “Secretary of Homeland Security”;

13 (B) in subparagraph (C), by striking “,
14 or” and inserting a comma;

15 (C) in subparagraph (D), by adding “or”
16 at the end; and

17 (D) by inserting after subparagraph (D)
18 the following:

19 “(E)(i) is inadmissible under section
20 212(a)(6)(A) or (C) or under section 212(a)(7);
21 and

22 “(ii) is charged with, is arrested for, is
23 convicted of, admits having committed, or ad-
24 mits committing acts which constitute the es-
25 sential elements of any offense involving assault
26 of a law enforcement officer,”;

1 (2) by redesignating paragraph (2) as para-
2 graph (4); and

3 (3) by inserting after paragraph (1) the fol-
4 lowing:

5 “(2) CIRCUMSTANCES.—

6 “(A) IN GENERAL.—The circumstances re-
7 ferred to in paragraph (1)(E) are that the law
8 enforcement officer was assaulted—

9 “(i) while he or she was engaged in
10 the performance of his or her official du-
11 ties;

12 “(ii) because of the performance of his
13 or her official duties; or

14 “(iii) because of his or her status as
15 a law enforcement officer.

16 “(B) DEFINITIONS.—For purposes of
17 paragraph (1)(E)—

18 “(i) the term ‘assault’ has the mean-
19 ing given that term in the jurisdiction
20 where the acts occurred; and

21 “(ii) the term ‘law enforcement offi-
22 cer’ is a person authorized by law—

23 “(I) to engage in or supervise the
24 prevention, detention, investigation, or
25 prosecution, or the incarceration of

1 any person for any criminal violation
2 of law;

3 “(II) to apprehend, arrest, or
4 prosecute an individual for any criminal
5 violation of law;

6 “(III) to be a firefighter or other
7 first responder; or

8 “(IV) to be a campus police officer
9 or a school resource officer.

10 “(3) DETAINER.—The Secretary of Homeland
11 Security shall issue a detainer for an alien described
12 in paragraph (1)(E) and, if the alien is not otherwise
13 detained by Federal, State, or local officials,
14 shall effectively and expeditiously take custody of the
15 alien.

16 “(4) ANNUAL REPORT OF THE SECRETARY OF
17 HOMELAND SECURITY.—The Secretary of Homeland
18 Security shall on an annual basis report to the Committee
19 on the Judiciary of the Senate and the Committee
20 on the Judiciary of the House of Representatives
21 the number of aliens described in paragraph
22 (1)(E) who were detained in the custody of the Department
23 of Homeland Security in the preceding
24 year pursuant to such section.”.

1 **SEC. 3. GAO STUDY.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Comptroller General of the United States
4 shall complete a study and submit a report to Congress
5 on the number of aliens present in the United States who
6 are inadmissible under section 212(a)(6)(A) or (C) or
7 under section 212(a)(7) of the Immigration and Nation-
8 ality Act who were detained, during the 5 year period pre-
9 ceding the date of the report, for committing an assault
10 against a law enforcement officer.

Passed the House of Representatives May 15, 2024.

Attest: KEVIN F. MCCUMBER,
Clerk.