

118TH CONGRESS  
1ST SESSION

# S. 2869

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

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2023

Mr. CRUZ (for himself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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 Offi-  
5       cer Safety Act”.

6       **SEC. 2. CRIMINAL PENALTIES FOR EVADING ARREST OR**  
7       **DETENTION.**

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

1 **“§ 40B. Evading arrest or detention while operating a**  
 2 **motor vehicle**

3 “(a) OFFENSE.—A person commits an offense under  
 4 this section by operating a motor vehicle within 100 miles  
 5 of the United States border while intentionally fleeing  
 6 from—

7 “(1) a pursuing U.S. Border Patrol officer act-  
 8 ing pursuant to lawful authority; or

9 “(2) any pursuing Federal, State, or local law  
 10 enforcement officer who is actively assisting, or  
 11 under the command of, U.S. Border Patrol.

12 “(b) PENALTIES.—

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

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

18 “(B) fined under this title; or

19 “(C) subject to the penalties described in  
 20 subparagraphs (A) and (B).

21 “(2) SERIOUS BODILY INJURY.—If serious bod-  
 22 ily injury results from the commission of an offense  
 23 described in subsection (a), the person committing  
 24 such offense shall be—

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

1 “(B) fined under this title; or

2 “(C) subject to the penalties described in  
3 subparagraphs (A) and (B).

4 “(3) DEATH.—If the death of any person re-  
5 sults from the commission of an offense described in  
6 subsection (a), the person committing such offense  
7 shall be—

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

10 “(B) fined under this title; or

11 “(C) subject to the penalties described in  
12 subparagraphs (A) and (B).

13 “(c) INELIGIBILITY FOR LEGAL STATUS.—Any per-  
14 son who commits an offense described in subsection (a)  
15 while unlawfully present in the United States shall be per-  
16 manently ineligible to apply for any legal status in the  
17 United States, including asylum.”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-  
19 ter 2 of title 18, United States Code, is amended by add-  
20 ing at the end the following:

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

21 **SEC. 3. ANNUAL REPORT.**

22 The Attorney General shall submit an annual report  
23 to the Committee on the Judiciary of the Senate and the  
24 Committee on the Judiciary of the House of Representa-  
25 tives that—

1           (1) identifies the number of people who were  
2 charged, during the reporting period, with a viola-  
3 tion of section 40B(a) of title 18, United States  
4 Code, as added by section 2(a); and

5           (2) summarizes—

6                 (A) the penalties sought in the charging  
7 documents pertaining to the violations referred  
8 to in paragraph (1); and

9                 (B) the penalties imposed for such viola-  
10 tions.

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