

119TH CONGRESS
1ST SESSION

S. 512

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2025

Mr. CRUZ (for himself, Mr. SHEEHY, Mr. CASSIDY, Mrs. BRITT, Mr. CRAMER, Mr. JUSTICE, Mr. BUDD, Mrs. HYDE-SMITH, Mr. LANKFORD, and Mr. HAWLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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”.

1 **SEC. 2. CRIMINAL PENALTIES FOR EVADING ARREST OR**
2 **DETENTION.**

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

6 **“§ 40B. Evading arrest or detention while operating a**
7 **motor vehicle**

8 “(a) OFFENSE.—A person commits an offense under
9 this section by operating a motor vehicle within 100 miles
10 of the United States border while intentionally fleeing
11 from—

12 “(1) a pursuing U.S. Border Patrol agent act-
13 ing pursuant to lawful authority; or

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

17 “(b) PENALTIES.—

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

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

23 “(B) fined under this title; or

24 “(C) subject to the penalties described in
25 subparagraphs (A) and (B).

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

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

7 “(B) fined under this title; or

8 “(C) subject to the penalties described in
 9 subparagraphs (A) and (B).

10 “(3) DEATH.—If the death of any person re-
 11 sults from the commission of an offense described in
 12 subsection (a), the person committing such offense
 13 shall be—

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

16 “(B) fined under this title; or

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

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

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

1 **SEC. 3. INADMISSIBILITY, DEPORTABILITY, AND INELIGI-**
 2 **BILITY RELATED TO EVADING ARREST OR**
 3 **DETENTION WHILE OPERATING A MOTOR VE-**
 4 **HICLE.**

5 (a) INADMISSIBILITY.—Section 212(a)(2) of the Im-
 6 migration and Nationality Act (8 U.S.C. 1182(a)(2)) is
 7 amended by adding at the end the following:

8 “(J) EVADING ARREST OR DETENTION
 9 WHILE OPERATING A MOTOR VEHICLE.—Any
 10 alien who has been convicted of, who admits
 11 having committed, or who admits committing
 12 acts which constitute the essential elements of,
 13 a violation of section 40B(a) of title 18, United
 14 States Code, is inadmissible.”.

15 (b) DEPORTABILITY.—Section 237(a)(2) of the Im-
 16 migration and Nationality Act (8 U.S.C. 1227(a)(2)) is
 17 amended by adding at the end the following:

18 “(G) EVADING ARREST OR DETENTION
 19 WHILE OPERATING A MOTOR VEHICLE.—Any
 20 alien who has been convicted of, who admits
 21 having committed, or who admits committing
 22 acts which constitute the essential elements of,
 23 a violation of section 40B(a) of title 18, United
 24 States Code, is deportable.”.

1 (c) INELIGIBILITY FOR RELIEF.—Section 208 of the
 2 Immigration and Nationality Act (8 U.S.C. 1158) is
 3 amended by adding at the end the following:

4 “(f) INELIGIBILITY FOR RELIEF AS A RESULT OF
 5 EVADING ARREST OR DETENTION WHILE OPERATING A
 6 MOTOR VEHICLE.—Any alien who has been convicted of,
 7 who admits having committed, or who admits committing
 8 acts which constitute the essential elements of, a violation
 9 of section 40B(a) of title 18, United States Code, shall
 10 be ineligible for relief under the immigration laws, includ-
 11 ing asylum under this section.”.

12 **SEC. 4. ANNUAL REPORT.**

13 The Attorney General, in consultation with the Sec-
 14 retary of Homeland Security, shall submit an annual re-
 15 port to the Committee on the Judiciary of the Senate and
 16 the Committee on the Judiciary of the House of Rep-
 17 resentatives that—

18 (1) identifies the number of people who com-
 19 mitted a violation of section 40B(a) of title 18,
 20 United States Code, as added by section 2(a); and

21 (2) summarizes—

22 (A) the number of individuals who were
 23 charged with such violation;

1 (B) the number of individuals who were
2 apprehended for, but not charged with, such
3 violation;

4 (C) the number of individuals who com-
5 mitted such violation, but were not appre-
6 hended;

7 (D) the penalties sought in the charging
8 documents pertaining to such violation; and

9 (E) the penalties imposed for such viola-
10 tion.

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