

105TH CONGRESS  
1ST SESSION

# H. R. 1236

To provide for an annual report to Congress concerning diplomatic immunity.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 1997

Mr. DREIER introduced the following bill; which was referred to the  
Committee on International Relations

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## A BILL

To provide for an annual report to Congress concerning  
diplomatic immunity.

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. REPORTS AND POLICY CONCERNING DIPLO-**  
4       **MATIC IMMUNITY.**

5       (a) ANNUAL REPORT CONCERNING DIPLOMATIC IM-  
6       MUNITY.—

7               (1) REPORT TO CONGRESS.—The Secretary of  
8       State shall prepare and submit to the Congress, an-  
9       nually, a report concerning diplomatic immunity en-  
10      titled “Report on Cases Involving Diplomatic Immu-  
11      nity”.

1           (2) CONTENT OF REPORT.—In addition to such  
2 other information as the Secretary of State may con-  
3 sider appropriate, the report under paragraph (1)  
4 shall include the following:

5           (A) The number of persons residing in the  
6 United States entitled to immunity from the  
7 criminal jurisdiction of the United States under  
8 laws extending diplomatic privileges and immu-  
9 nities.

10          (B) Each case involving an alien entitled to  
11 immunity as described in subparagraph (A) in  
12 which the appropriate law enforcement authori-  
13 ties of the United States had reasonable cause  
14 to believe the alien committed a serious criminal  
15 offense within the United States which was not  
16 subject to the criminal jurisdiction of the Unit-  
17 ed States.

18          (C) Each case in which the United States  
19 has certified that a person is entitled to immu-  
20 nity from the criminal jurisdiction of the United  
21 States under laws extending diplomatic privi-  
22 leges and immunities.

23          (D) The number of United States citizens  
24 who are residing in a receiving state and who  
25 are entitled to immunity from the criminal ju-

1 jurisdiction of such state under laws extending  
2 diplomatic privileges and immunities.

3 (E) Each case involving a United States  
4 citizen under subparagraph (D) in which the  
5 United States has been requested by the gov-  
6 ernment of a receiving state to waive the immu-  
7 nity from criminal jurisdiction of the United  
8 States citizen.

9 (3) SERIOUS CRIMINAL OFFENSE DEFINED.—  
10 The term “serious criminal offense” means—

11 (A)(i) any felony under Federal, State, or  
12 local law; and

13 (ii) any Federal, State, or local offense  
14 punishable by a term of imprisonment of more  
15 than 1 year ;

16 (B) any crime of violence as defined for  
17 purposes of section 16 of title 18, United States  
18 Code; and

19 (C) driving under the influence of alcohol  
20 or drugs or driving while intoxicated if the case  
21 involves personal injury to another individual.

22 (b) UNITED STATES POLICY CONCERNING REFORM  
23 OF DIPLOMATIC IMMUNITY.—It is the sense of the Con-  
24 gress that the Secretary of State should explore, in appro-

1 piate fora, whether states should enter into agreements  
2 and adopt legislation—

3           (1) to provide jurisdiction in the sending state  
4       to prosecute crimes committed in the receiving state  
5       by persons entitled to immunity from criminal juris-  
6       diction under laws extending diplomatic privileges  
7       and immunities; and

8           (2) to provide that where there is probable  
9       cause to believe that an individual who is entitled to  
10      immunity from the criminal jurisdiction of the re-  
11      ceiving state under laws extending diplomatic privi-  
12      leges and immunities committed a serious crime, the  
13      sending state will waive such immunity or the send-  
14      ing state will prosecute such individual.

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