

118TH CONGRESS
2D SESSION

H. R. 5585

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2024

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

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as “Agent Raul Gonzalez Offi-
3 cer Safety Act”.

4 **SEC. 2. CRIMINAL PENALTIES FOR EVADING ARREST OR**
5 **DETENTION.**

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

9 **“§ 40B. Evading arrest or detention while operating a**
10 **motor vehicle**

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

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

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

20 “(b) PENALTIES.—

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

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

26 “(B) fined under this title; or

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

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

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

9 “(B) fined under this title; or

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

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

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

18 “(B) fined under this title; or

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

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 2 of title 18, United States Code, is amended by add-
23 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.—Chapter 2 of title
2 II of the Immigration and Nationality Act is amended by
3 inserting after section 208 the following:

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

7 “Any alien who has been convicted of, who admits
8 having committed, or who admits committing acts which
9 constitute the essential elements of a violation of section
10 40B(a) of title 18, United States Code, shall be ineligible
11 for relief under the immigration laws, including asylum
12 under section 208.”.

13 **SEC. 4. ANNUAL REPORT.**

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

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

22 (2) summarizes—

23 (A) the number of individuals who were
24 charged with the violation referred to in para-
25 graph (1);

Attest: KEVIN F. MCCUMBER,
Clerk.