

119TH CONGRESS
1ST SESSION

S. _____

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

Mr. CRUZ introduced the following bill; which was read twice and referred to the Committee on _____

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

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

16 **SEC. 3. INADMISSIBILITY, DEPORTABILITY, AND INELIGI-**
17 **BILITY RELATED TO EVADING ARREST OR**
18 **DETENTION WHILE OPERATING A MOTOR VE-**
19 **HICLE.**

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

23 “(J) EVADING ARREST OR DETENTION
24 WHILE OPERATING A MOTOR VEHICLE.—Any
25 alien who has been convicted of, who admits

1 having committed, or who admits committing
2 acts which constitute the essential elements of,
3 a violation of section 40B(a) of title 18, United
4 States Code, is inadmissible.”.

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

8 “(G) 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 deportable.”.

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

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

1 **SEC. 4. ANNUAL REPORT.**

2 The Attorney General, in consultation with the Sec-
3 retary of Homeland Security, shall submit an annual re-
4 port to the Committee on the Judiciary of the Senate and
5 the Committee on the Judiciary of the House of Rep-
6 resentatives that—

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

10 (2) summarizes—

11 (A) the number of individuals who were
12 charged with such violation;

13 (B) the number of individuals who were
14 apprehended for, but not charged with, such
15 violation;

16 (C) the number of individuals who com-
17 mitted such violation, but were not appre-
18 hended;

19 (D) the penalties sought in the charging
20 documents pertaining to such violation; and

21 (E) the penalties imposed for such viola-
22 tion.