

JANUARY 19, 2024

RULES COMMITTEE PRINT 118–21
TEXT OF H.R. 5585, AGENT RAUL GONZALEZ
OFFICER SAFETY ACT

[Showing the text of H.R. 5585, as ordered reported by the
Committee on the Judiciary]

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

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

4 “(b) PENALTIES.—

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

8 “(A) imprisoned for a term of not more
9 than 2 years;

10 “(B) fined under this title; or

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

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

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

19 “(B) fined under this title; or

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

22 “(3) DEATH.—If the death of any person re-
23 sults from the commission of an offense described in
24 subsection (a), the person committing such offense
25 shall be—

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

3 “(B) fined under this title; or

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

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

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

9 **SEC. 3. INADMISSIBILITY, DEPORTABILITY, AND INELIGI-**
10 **BILITY RELATED TO EVADING ARREST OR**
11 **DETENTION WHILE OPERATING A MOTOR VE-**
12 **HICLE.**

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

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

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

1 “(G) EVADING ARREST OR DETENTION
2 WHILE OPERATING A MOTOR VEHICLE.—Any
3 alien who has been convicted of, who admits
4 having committed, or who admits committing
5 acts which constitute the essential elements of
6 a violation of section 40B(a) of title 18, United
7 States Code, is deportable.”.

8 (c) INELIGIBILITY FOR RELIEF.—Chapter 2 of title
9 II of the Immigration and Nationality Act is amended by
10 inserting after section 208 the following:

11 **“SEC. 208A. INELIGIBILITY FOR RELIEF RELATED TO EVAD-**
12 **ING ARREST OR DETENTION WHILE OPER-**
13 **ATING A MOTOR VEHICLE.**

14 “Any alien who has been convicted of, who admits
15 having committed, or who admits committing acts which
16 constitute the essential elements of a violation of section
17 40B(a) of title 18, United States Code, shall be ineligible
18 for relief under the immigration laws, including asylum
19 under section 208.”.

20 **SEC. 4. ANNUAL REPORT.**

21 The Attorney General shall submit an annual report
22 to the Committee on the Judiciary of the Senate and the
23 Committee on the Judiciary of the House of Representa-
24 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.

