

118TH CONGRESS
1ST SESSION

H. R. 5585

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2023

Mr. CISCOMANI (for himself, Ms. DE LA CRUZ, Mr. TONY GONZALES of Texas, Mr. DONALDS, Mr. GIMENEZ, Mr. HIGGINS of Louisiana, and Mr. LANGWORTHY) introduced the following bill; which was 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 officer 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 “(c) INELIGIBILITY FOR LEGAL STATUS.—Any per-
20 son who commits an offense described in subsection (a)
21 while unlawfully present in the United States shall be per-
22 manently ineligible to apply for any legal status in the
23 United States, including asylum.”.

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

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

4 **SEC. 3. ANNUAL REPORT.**

5 The Attorney General shall submit an annual report
6 to the Committee on the Judiciary of the Senate and the
7 Committee on the Judiciary of the House of Representa-
8 tives that—

9 (1) identifies the number of people who were
10 charged, during the reporting period, with a viola-
11 tion of section 40B(a) of title 18, United States
12 Code, as added by section 2(a); and

13 (2) summarizes—

14 (A) the penalties sought in the charging
15 documents pertaining to the violations referred
16 to in paragraph (1); and

17 (B) the penalties imposed for such viola-
18 tions.

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