

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY M. _____

Strike all that follows after the enacting clause:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Detain and Deport
3 Illegal Aliens Who Assault Cops Act”.

4 SEC. 2. DETENTION OF CERTAIN ALIENS WHO COMMIT AS-
5 SAULT AGAINST LAW ENFORCEMENT OFFI-
6 CERS.

7 Section 236(c) of the Immigration and Nationality
8 Act (8 U.S.C. 1226(c)) is amended—

9 (1) in paragraph (1)—

10 (A) in the matter preceding subparagraph

11 (A), by striking “Attorney General” and insert-
12 ing “Secretary of Homeland Security”;

13 (B) in subparagraph (C), by striking “,
14 or” and inserting a comma;

15 (C) in subparagraph (D), by adding “or”
16 at the end; and

17 (D) by inserting after subparagraph (D)
18 the following:

1 “(E)(i) is inadmissible under section
2 212(a)(6)(A) or (C) or under section 212(a)(7);
3 and

4 “(ii) is charged with, is arrested for, is
5 convicted of, admits having committed, or ad-
6 mits committing acts which constitute the es-
7 sential elements of any offense involving assault
8 of a law enforcement officer,”;

9 (2) by redesignating paragraph (2) as para-
10 graph (4); and

11 (3) by inserting after paragraph (1) the fol-
12 lowing:

13 “(2) CIRCUMSTANCES.—

14 “(A) IN GENERAL.—The circumstances re-
15 ferred to in paragraph (1)(E) are that the law
16 enforcement officer was assaulted—

17 “(i) while he or she was engaged in
18 the performance of his or her official du-
19 ties;

20 “(ii) because of the performance of his
21 or her official duties; or

22 “(iii) because of his or her status as
23 a law enforcement officer.

24 “(B) DEFINITIONS.—For purposes of
25 paragraph (1)(E)—

1 “(i) the term ‘assault’ has the mean-
2 ing given that term in the jurisdiction
3 where the acts occurred; and

4 “(ii) the term ‘law enforcement offi-
5 cer’ is a person authorized by law—

6 “(I) to engage in or supervise the
7 prevention, detention, investigation, or
8 prosecution, or the incarceration of
9 any person for any criminal violation
10 of law;

11 “(II) to apprehend, arrest, or
12 prosecute an individual for any crimi-
13 nal violation of law; or

14 “(III) to be a firefighter or other
15 first responder.

16 “(3) DETAINER.—The Secretary of Homeland
17 Security shall issue a detainer for an alien described
18 in paragraph (1)(E) and, if the alien is not other-
19 wise detained by Federal, State, or local officials,
20 shall effectively and expeditiously take custody of the
21 alien.”.

