

118TH CONGRESS
2D SESSION

H. R. _____

To amend the Immigration and Nationality Act to provide for the detention of certain aliens who commit assault against law enforcement officers.

IN THE HOUSE OF REPRESENTATIVES

Mr. VAN DREW introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Immigration and Nationality Act to provide for the detention of certain aliens who commit assault against law enforcement officers.

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 the “Detain and Deport
5 Illegal Aliens Who Assault Cops Act”.

6 **SEC. 2. DETENTION OF CERTAIN ALIENS WHO COMMIT AS-**
7 **SAULT AGAINST LAW ENFORCEMENT OFFI-**
8 **CERS.**

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

1 (1) in paragraph (1)—

2 (A) in the matter preceding subparagraph
3 (A), by striking “Attorney General” and insert-
4 ing “Secretary of Homeland Security”;

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

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

9 (D) by inserting after subparagraph (D)
10 the following:

11 “(E)(i) is inadmissible under section
12 212(a)(6)(A) or (C) or under section 212(a)(7);
13 and

14 “(ii) is charged with, arrested for, con-
15 victed of, admits having committed, or admits
16 committing acts which constitute the essential
17 elements of any offense involving assault of a
18 law enforcement officer,”;

19 (2) by redesignating paragraph (2) as para-
20 graph (4); and

21 (3) by inserting after paragraph (1) the fol-
22 lowing:

23 “(2) CIRCUMSTANCES.—

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

4 “(i) while he or she was engaged in
5 the performance of his or her official du-
6 ties;

7 “(ii) because of the performance of his
8 or her official duties; or

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

11 “(B) DEFINITIONS.—For purposes of
12 paragraph (1)(E)—

13 “(i) the term ‘assault’ has the mean-
14 ing given that term in the jurisdiction
15 where the acts occurred; and

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

18 “(I) to engage in or supervise the
19 prevention, detention, investigation, or
20 prosecution, or the incarceration of
21 any person for any criminal violation
22 of law;

23 “(II) to apprehend, arrest, or
24 prosecute an individual for any crimi-
25 nal violation of law; or

1 “(III) to be a firefighter or other
2 first responder.

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