

# Union Calendar No. 396

118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 7343

[Report No. 118-478]

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2024

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

APRIL 30, 2024

Additional sponsors: Mrs. HOUCHIN, Mrs. SPARTZ, Mr. ELLZEY, Mr. NEHLS, Mr. ISSA, Mr. NORMAN, Mr. LAWLER, Mr. OGLES, Ms. TENNEY, and Mr. STAUBER

APRIL 30, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 13, 2024]

# **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 Ille-*  
5 *gal 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 Act*  
10 *(8 U.S.C. 1226(c)) is amended—*

11            *(1) in paragraph (1)—*

12                    *(A) in the matter preceding subparagraph*  
13 *(A), by striking “Attorney General” and insert-*  
14 *ing “Secretary of Homeland Security”;*

15                    *(B) in subparagraph (C), by striking “, or”*  
16 *and inserting a comma;*

17                    *(C) in subparagraph (D), by adding “or”*  
18 *at the end; and*

19                    *(D) by inserting after subparagraph (D) the*  
20 *following:*

21                    *“(E)(i) is inadmissible under section*  
22 *212(a)(6)(A) or (C) or under section 212(a)(7);*  
23 *and*

24                    *“(ii) is charged with, is arrested for, is con-*  
25 *victed of, admits having committed, or admits*

1           *committing acts which constitute the essential*  
2           *elements of any offense involving assault of a law*  
3           *enforcement officer;”;*

4           (2) *by redesignating paragraph (2) as para-*  
5           *graph (4); and*

6           (3) *by inserting after paragraph (1) the fol-*  
7           *lowing:*

8           “(2) *CIRCUMSTANCES.—*

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

12                           “(i) *while he or she was engaged in the*  
13                           *performance of his or her official duties;*

14                           “(ii) *because of the performance of his*  
15                           *or her official duties; or*

16                           “(iii) *because of his or her status as a*  
17                           *law enforcement officer.*

18                   “(B) *DEFINITIONS.—For purposes of para-*  
19                   *graph (1)(E)—*

20                           “(i) *the term ‘assault’ has the meaning*  
21                           *given that term in the jurisdiction where*  
22                           *the acts occurred; and*

23                           “(ii) *the term ‘law enforcement officer’*  
24                           *is a person authorized by law—*

1                   “(I) to engage in or supervise the  
2                   prevention, detention, investigation, or  
3                   prosecution, or the incarceration of  
4                   any person for any criminal violation  
5                   of law;

6                   “(II) to apprehend, arrest, or  
7                   prosecute an individual for any crimi-  
8                   nal violation of law; or

9                   “(III) to be a firefighter or other  
10                  first responder.

11                  “(3) *DETAINER.*—*The Secretary of Homeland*  
12                  *Security shall issue a detainer for an alien described*  
13                  *in paragraph (1)(E) and, if the alien is not otherwise*  
14                  *detained by Federal, State, or local officials, shall ef-*  
15                  *fectively and expeditiously take custody of the alien.*”.

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