

107TH CONGRESS
1ST SESSION

H. R. 2155

To amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2001

Mr. FLAKE (for himself, Mr. SMITH of Texas, and Mr. STUPAK) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry, and for other purposes.

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. MAKING IT ILLEGAL TO OPERATE A MOTOR VE-**
4 **HICLE WITH A DRUG OR ALCOHOL IN THE**
5 **BODY OF THE DRIVER AT LAND BORDER**
6 **PORTS OF ENTRY.**

7 Section 13(a) of title 18, United States Code, is
8 amended—

1 (1) by inserting “(1)” after “(a)”; and

2 (2) by adding at the end the following:

3 “(2) Whoever with a drug or alcohol in his or her
4 body operates a motor vehicle at a land border port of
5 entry in a manner that is punishable, because of the pres-
6 ence of the drug or alcohol, if committed within the juris-
7 diction of the State in which that land border port of entry
8 is located (under the laws of that State in force at the
9 time of the act) shall be guilty of a like offense and subject
10 to a like punishment.

11 “(3) Any individual who operates a motor vehicle at
12 a land border port of entry is deemed to have given con-
13 sent to submit to a chemical or other test of the blood,
14 breath, or urine of the driver by an officer or employee
15 of the Immigration and Naturalization Service authorized
16 under section 287(h) of the Immigration and Nationality
17 Act (8 U.S.C. 1357(h)) for the purpose of determining
18 the presence or concentration of a drug or alcohol in such
19 blood, breath, or urine.

20 “(4) If an individual refuses to submit to such a test
21 after being advised by the officer or employee that the re-
22 fusal will result in notification under this paragraph, the
23 Attorney General shall give notice of the refusal to—

1 “(A) the State or foreign state that issued the
2 license permitting the individual to operate a motor
3 vehicle; or

4 “(B) if the individual has no such license, the
5 State or foreign state in which the individual is a
6 resident.

7 “(5) The Attorney General shall give notice of a con-
8 viction of an individual under this section for operation
9 of a motor vehicle at a land border port of entry with a
10 drug or alcohol in the body of the individual, to—

11 “(A) the State or foreign state that issued the
12 license permitting the individual to operate a motor
13 vehicle; or

14 “(B) if the individual has no such license, the
15 State or foreign state in which the individual is a
16 resident.

17 “(6) For purposes of this subsection, the term ‘land
18 border port of entry’ means any land border port of entry
19 (as defined in section 287(h)(3) of the Immigration and
20 Nationality Act (8 U.S.C. 1357(h)(3))) that was not re-
21 served or acquired as provided in section 7 of this title.”.

1 **SEC. 2. AUTHORIZING OFFICERS AND EMPLOYEES OF THE**
2 **IMMIGRATION AND NATURALIZATION SERV-**
3 **ICE TO CONDUCT TESTS FOR A DRUG OR AL-**
4 **COHOL.**

5 Section 287 of the Immigration and Nationality Act
6 (8 U.S.C. 1357) is amended by adding at the end the fol-
7 lowing:

8 “(h)(1) If an officer or employee of the Service au-
9 thorized under regulations prescribed by the Attorney
10 General is inspecting a driver at a land border port of
11 entry and has reasonable grounds to believe that, because
12 of alcohol in the body of the driver, operation of a motor
13 vehicle by the driver is an offense under section 13 of title
14 18, United States Code, the officer or employee may re-
15 quire the driver to submit to a test of the breath of the
16 driver to determine the presence or concentration of the
17 alcohol.

18 “(2) If an officer or employee of the Service author-
19 ized under regulations prescribed by the Attorney General
20 arrests a driver under this section for operation of a motor
21 vehicle in violation of section 13 of title 18, United States
22 Code, because of a drug or alcohol in the body of the driv-
23 er, the officer or employee may require the driver to sub-
24 mit to a chemical or other test to determine the presence
25 or concentration of the drug or alcohol in the blood,
26 breath, or urine of the driver.

1 “(3) For purposes of this subsection:

2 “(A) The term ‘driver’ means an individual who
3 is operating a motor vehicle at a land border port
4 of entry.

5 “(B) The term ‘land border port of entry’
6 means any immigration checkpoint operated by the
7 Immigration and Naturalization Service at a land
8 border between a State (as that term is used in sec-
9 tion 13 of title 18, United States Code) and a for-
10 eign state.”.

11 **SEC. 3. REQUIRING NOTICE AT LAND BORDER PORTS OF**
12 **ENTRY REGARDING OPERATION OF A MOTOR**
13 **VEHICLE AND DRUGS AND ALCOHOL.**

14 (a) IN GENERAL.—The Immigration and Nationality
15 Act is amended by inserting after section 294 (8 U.S.C.
16 1363a) the following:

17 “NOTICE AT LAND BORDER PORTS OF ENTRY REGARDING
18 OPERATION OF A MOTOR VEHICLE AND DRUGS AND
19 ALCOHOL

20 “SEC. 295. At each point where motor vehicles regu-
21 larly enter a land border port of entry (as defined in sec-
22 tion 287(h)(3)), the Attorney General shall post a notice
23 that operation of a motor vehicle with a drug or alcohol
24 in the body of the driver at a land border port of entry
25 is an offense under Federal law.”.

1 (b) CLERICAL AMENDMENT.—The first section of the
2 Immigration and Nationality Act is amended in the table
3 of contents by inserting after the item relating to section
4 294 the following:

“Sec. 295. Notice at land border ports of entry regarding operation of a motor
vehicle and drugs and alcohol.”.

5 **SEC. 4. IMPOUNDMENT OF VEHICLE FOR REFUSAL TO SUB-**
6 **MIT TO TEST FOR DRUG OR ALCOHOL.**

7 Not more than 180 days after the date of the enact-
8 ment of this Act, the Attorney General shall issue regula-
9 tions authorizing an officer or employee of the Immigra-
10 tion and Naturalization Service to impound a vehicle, if
11 the individual who operates the vehicle refuses to submit
12 to a chemical or other test under section 13(a)(3) of title
13 18, United States Code.

14 **SEC. 5. EFFECTIVE DATE.**

15 This Act shall take effect 180 days after the date of
16 the enactment of this Act.

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