

114TH CONGRESS  
1ST SESSION

# S. 847

To prohibit the intentional hindering of immigration, border, and customs controls, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 24, 2015

Mr. MCCAIN (for himself and Mr. FLAKE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To prohibit the intentional hindering of immigration, border, and customs controls, 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. SHORT TITLE.**

4 This Act may be cited as the “Transnational Crimi-  
5 nal Organization Illicit Spotter Prevention and Elim-  
6 nation Act”.

7 **SEC. 2. UNLAWFULLY HINDERING IMMIGRATION, BORDER,**  
8 **AND CUSTOMS CONTROLS.**

9 (a) **ENHANCED PENALTIES.**—

1           (1) IN GENERAL.—Chapter 9 of title II of the  
2           Immigration and Nationality Act (8 U.S.C. 1351 et  
3           seq.) is amended by adding at the end the following:

4           **“SEC. 295. UNLAWFULLY HINDERING IMMIGRATION, BOR-**  
5                                   **DER, AND CUSTOMS CONTROLS.**

6           “(a) ILLICIT SPOTTING.—Any person who knowingly  
7           transmits, by any means, to another person the location,  
8           movement, or activities of any Federal, State, local, or  
9           tribal law enforcement agency with the intent to further  
10          a Federal crime relating to United States immigration,  
11          customs, controlled substances, agriculture, monetary in-  
12          struments, or other border controls shall be fined under  
13          title 18, imprisoned not more than 10 years, or both.

14          “(b) DESTRUCTION OF UNITED STATES BORDER  
15          CONTROLS.—Any person who knowingly and without law-  
16          ful authorization destroys, alters, or damages any fence,  
17          barrier, sensor, camera, or other physical or electronic de-  
18          vice deployed by the Federal Government to control the  
19          border or a port of entry or otherwise seeks to construct,  
20          excavate, or make any structure intended to defeat, cir-  
21          cumvent, or evade any such fence, barrier, sensor camera,  
22          or other physical or electronic device deployed by the Fed-  
23          eral Government to control the border or a port of entry—

24                           “(1) shall be fined under title 18, imprisoned  
25                           not more than 10 years, or both; and

1           “(2) if, at the time of the offense, the person  
2           uses or carries a firearm or who, in furtherance of  
3           any such crime, possesses a firearm, that person  
4           shall be fined under title 18, imprisoned not more  
5           than 20 years, or both.

6           “(c) CONSPIRACY AND ATTEMPT.—Any person who  
7           attempts or conspires to violate subsection (a) or (b) shall  
8           be punished in the same manner as a person who com-  
9           pletes a violation of such subsection.”.

10           (2) CLERICAL AMENDMENT.—The table of con-  
11           tents in the first section of the Immigration and Na-  
12           tionality Act is amended by inserting after the item  
13           relating to section 294 the following:

“Sec. 295. Unlawfully hindering immigration, border, and customs controls.”.

14           (b) PROHIBITING CARRYING OR USE OF A FIREARM  
15           DURING AND IN RELATION TO AN ALIEN SMUGGLING  
16           CRIME.—Section 924(c) of title 18, United States Code,  
17           is amended—

18           (1) in paragraph (1)—

19           (A) in subparagraph (A), by inserting “,  
20           alien smuggling crime,” after “crime of vio-  
21           lence” each place that term appears; and

22           (B) in subparagraph (D)(ii), by inserting  
23           “, alien smuggling crime,” after “crime of vio-  
24           lence”; and

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

1       “(6) For purposes of this subsection, the term ‘alien  
2 smuggling crime’ means any felony punishable under sec-  
3 tion 274(a), 277, or 278 of the Immigration and Nation-  
4 ality Act (8 U.S.C. 1324(a), 1327, and 1328).”.

5       (c) STATUTE OF LIMITATIONS.—Section 3298 of title  
6 18, United States Code, is amended by inserting “, 295,  
7 296, or 297” after “274(a)”.

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