

U.S. Representative Mike McIntyre  
Testimony before the U.S. House Committee on the Judiciary Subcommittee on  
Immigration Policy and Enforcement  
Hearing on H.R. 3808, the “Scott Gardner Act”  
Wednesday, March 7, 2012

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Chairman Gallegly, Ranking Member Lofgren, members of the Subcommittee, I am honored and privileged to have the opportunity to testify before you today about the “Scott Gardner Act,” H.R. 3808. I would also like to thank my good friend and colleague, Congresswoman Sue Myrick, for inviting me to speak on this very important bill, which strengthens our national immigration laws and preserves our public safety.

I have been an original co-sponsor of the “Scott Gardner Act” since Congresswoman Myrick first introduced this legislation in 2005 in response to a tragic accident which took place in my congressional district. On July 16, 2005, 33-year-old husband and father, Scott Gardner, was driving to the beach in Brunswick County, NC, with his wife Tina, and their two young children in tow. Their summer vacation was over almost before it began when their car was struck head on by a drunk driver. Only a few hours after being airlifted to New Hanover Regional Medical Center, Scott lost his life and his wife remained in critical condition. She would linger in a vegetative state for years. His children, though suffering only minor physical injuries, were robbed of their father for the rest of their lives.

The drunk driver was a repeat offender and an illegal immigrant, an individual who should never have been in this country in the first place. He had five prior arrests, all DWI’s, and one of those times, his blood alcohol content was three times the legal limit, a transgression which earned him only 30 days in jail.

Mr. Chairman, there is no greater evidence that our immigration system is broken than when an illegal alien, who is a repeat offender and who has earned himself a felony for all intents and purposes, is able to not only remain in our country, but to continue committing the crime for which he has earned a felony.

The Scott Gardner Act would ensure that DWI is grounds for mandatory detention and deportation of illegal aliens. Specifically, if a state or local law enforcement officer apprehends an individual for driving under the influence, the officer shall use a federal database to verify the legality of the individual’s status within the country. If it is determined that the individual is within the country illegally, the officer is authorized to detain or transport the alien to federal custody whereby he or she shall be removed from the United States. The bill would also improve communications between Federal, State and local law enforcement agencies, and it would allow those agencies and law enforcement to collect immigration information in the course of their normal duties.

The tragedy that the Gardner family experienced was completely preventable, but our broken borders allowed an illegal immigrant with five prior drunk driving charges to not only remain in the United States, but to continue driving and going about his normal business. I thank Congresswoman Myrick for her leadership in reintroducing this bill, and I look forward to

working toward its passage. We must make serious changes within our immigration system now so that we never lose another life to a criminal who doesn't deserve rightfully to be in our country.