

# Calendar No. 731

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

# S. 113

To increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. SMITH of Oregon (for himself, Mr. THURMOND, Mr. LEAHY, Mr. JEFFORDS, Mr. HAGEL, and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JULY 27, 2000

Reported by Mr. HATCH, without amendment

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## A BILL

To increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, 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 “Federal Judiciary Pro-  
5       tection Act of 1999”.

1 **SEC. 2. ASSAULTING, RESISTING, OR IMPEDING CERTAIN**  
2 **OFFICERS OR EMPLOYEES.**

3 Section 111 of title 18, United States Code, is  
4 amended—

5 (1) in subsection (a), by striking “three” and  
6 inserting “8”; and

7 (2) in subsection (b), by striking “ten” and in-  
8 serting “20”.

9 **SEC. 3. INFLUENCING, IMPEDING, OR RETALIATING**  
10 **AGAINST A FEDERAL OFFICIAL BY THREAT-**  
11 **ENING OR INJURING A FAMILY MEMBER.**

12 Section 115(b)(4) of title 18, United States Code, is  
13 amended—

14 (1) by striking “five” and inserting “10”; and

15 (2) by striking “three” and inserting “6”.

16 **SEC. 4. MAILING THREATENING COMMUNICATIONS.**

17 Section 876 of title 18, United States Code, is  
18 amended—

19 (1) by designating the first 4 undesignated  
20 paragraphs as subsections (a) through (d), respec-  
21 tively;

22 (2) in subsection (c), as so designated, by add-  
23 ing at the end the following: “If such a communica-  
24 tion is addressed to a United States judge, a Fed-  
25 eral law enforcement officer, or an official who is  
26 covered by section 1114, the individual shall be fined

1 under this title, imprisoned not more than 10 years,  
2 or both.”; and

3 (3) in subsection (d), as so designated, by add-  
4 ing at the end the following: “If such a communica-  
5 tion is addressed to a United States judge, a Fed-  
6 eral law enforcement officer, or an official who is  
7 covered by section 1114, the individual shall be fined  
8 under this title, imprisoned not more than 10 years,  
9 or both.”.

10 **SEC. 5. AMENDMENT OF THE SENTENCING GUIDELINES**  
11 **FOR ASSAULTS AND THREATS AGAINST FED-**  
12 **ERAL JUDGES AND CERTAIN OTHER FED-**  
13 **ERAL OFFICIALS AND EMPLOYEES.**

14 (a) **IN GENERAL.**—Pursuant to its authority under  
15 section 994 of title 28, United States Code, the United  
16 States Sentencing Commission shall review and amend the  
17 Federal sentencing guidelines and the policy statements  
18 of the commission, if appropriate, to provide an appro-  
19 priate sentencing enhancement for offenses involving in-  
20 fluencing, assaulting, resisting, impeding, retaliating  
21 against, or threatening a Federal judge, magistrate judge,  
22 or any other official described in section 111 or 115 of  
23 title 18, United States Code.

24 (b) **FACTORS FOR CONSIDERATION.**—In carrying out  
25 this section, the United States Sentencing Commission

1 shall consider, with respect to each offense described in  
2 subsection (a)—

3 (1) any expression of congressional intent re-  
4 garding the appropriate penalties for the offense;

5 (2) the range of conduct covered by the offense;

6 (3) the existing sentences for the offense;

7 (4) the extent to which sentencing enhance-  
8 ments within the Federal sentencing guidelines and  
9 the court's authority to impose a sentence in excess  
10 of the applicable guideline range are adequate to en-  
11 sure punishment at or near the maximum penalty  
12 for the most egregious conduct covered by the of-  
13 fense;

14 (5) the extent to which Federal sentencing  
15 guideline sentences for the offense have been con-  
16 strained by statutory maximum penalties;

17 (6) the extent to which Federal sentencing  
18 guidelines for the offense adequately achieve the  
19 purposes of sentencing as set forth in section  
20 3553(a)(2) of title 18, United States Code;

21 (7) the relationship of Federal sentencing  
22 guidelines for the offense to the Federal sentencing  
23 guidelines for other offenses of comparable serious-  
24 ness; and

- 1 (8) any other factors that the Commission con-
- 2 siders to be appropriate.

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