

109TH CONGRESS
1ST SESSION

H. R. 3900

To amend title 18, United States Code, to increase the penalty on persons who are convicted of killing peace officers and who flee the country, and to express the sense of Congress that the Secretary of State should renegotiate the extradition treaty with Mexico.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2005

Mr. DREIER (for himself, Mr. SCHIFF, Mr. HERGER, Mr. WILSON of South Carolina, Mr. RUPPERSBERGER, Mr. TERRY, Mr. GARY G. MILLER of California, Mrs. BONO, Mr. MCCAUL of Texas, Mr. ISSA, and Mr. MCKEON) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 18, United States Code, to increase the penalty on persons who are convicted of killing peace officers and who flee the country, and to express the sense of Congress that the Secretary of State should renegotiate the extradition treaty with Mexico.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Justice for Peace Offi-
3 cers Act”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) Thousands of fugitives have fled to Mexico
7 to escape prosecution in the United States, including
8 individuals accused of murdering peace officers.

9 (2) The United States should use all reasonable
10 tools available to encourage foreign countries to
11 change their extradition policies so that the possi-
12 bility of capital punishment or life imprisonment will
13 not interfere with the timely extradition of fugitives
14 of the United States.

15 (3) Under Federal law, it is a crime to kill a
16 Federal peace officer or State or local officers en-
17 gaged in a Federal investigation.

18 (4) Murdering a State or local peace officer and
19 fleeing the country to avoid prosecution should also
20 be a Federal crime with the same penalties as the
21 murder of a Federal officer.

22 (5) State and local prosecutors are the best
23 equipped prosecutors to prosecute crimes against
24 local and State peace officers.

25 (6) Cases involving the murder of local and
26 State peace officers and subsequent flight to avoid

1 prosecution in the United States implicate Federal
2 interests, and by providing Federal jurisdiction in
3 such cases the Federal Government will be able to
4 provide additional investigatory and prosecutorial re-
5 sources.

6 **SEC. 3. ESTABLISHMENT OF FEDERAL CRIME FOR KILLING**
7 **PEACE OFFICERS AND TRAVELING IN FOR-**
8 **EIGN COMMERCE.**

9 (a) FEDERAL CRIME RELATING TO PEACE OFFI-
10 CERS.—Section 1121 of title 18, United States Code, is
11 amended—

12 (1) by redesignating subsection (c) as sub-
13 section (d); and

14 (2) by inserting after subsection (b) the fol-
15 lowing new subsection:

16 “(c)(1) Whoever murders a peace officer engaged in,
17 or on account of the performance of, the official duties
18 of such officer, and moves or travels in foreign commerce
19 with intent to avoid prosecution or confinement after con-
20 viction of that crime—

21 “(A) in the case of murder in the first degree,
22 shall be punished by death or by imprisonment for
23 life (in accordance with section 1111(b)); and

1 “(B) in the case of murder in the second de-
2 gree, shall be imprisoned for not less than 30 years
3 (notwithstanding section 1111(a)) or for life.

4 “(2) Whoever, under section 3, is an accessory after
5 the fact with respect to a violation of paragraph (1) shall
6 be imprisoned for not less than 15 years.

7 “(3) Notwithstanding any other provision of law, a
8 term of imprisonment imposed under this subsection shall
9 be consecutive to any other sentence of imprisonment im-
10 posed by a Federal or State court or by a court of a for-
11 eign state.

12 “(4) Violations of this section may be prosecuted only
13 after formal approval in writing, upon consultation with
14 the appropriate State or local prosecutor, by the Attorney
15 General, the Deputy Attorney General, the Associate At-
16 torney General, or an Assistant Attorney General of the
17 United States, which function of approving prosecutions
18 may not be delegated.

19 “(5) As used in this subsection, the term ‘peace offi-
20 cer’ means any officer of the United States, a State, or
21 a political subdivision of a State who is empowered by law
22 to conduct investigations of or to make arrests for offenses
23 against the United States, the State, or the political sub-
24 division.”.

25 (b) CLERICAL AMENDMENTS.—

1 (1) The heading for section 1121 of title 18,
2 United States Code, is amended to read as follows:

3 “**§ 1121. Killing persons aiding Federal investigations,**
4 **killing State correctional officers, and**
5 **killing peace officers”.**

6 (2) The item relating to section 1121 in the
7 table of sections for chapter 51 of such title is
8 amended to read as follows:

 “1121. Killing persons aiding Federal investigations, killing State correctional
 officers, and killing peace officers.”.

9 (c) **RULE OF CONSTRUCTION.**—None of the amend-
10 ments made by this section shall be construed as altering,
11 limiting, or otherwise affecting—

12 (1) the jurisdiction of a State over the inves-
13 tigation or prosecution of a State crime that is based
14 on the same facts or elements of a crime described
15 in section 1121(c) of title 18, United States Code,
16 as amended by this section; and

17 (2) any role a State may have in negotiations
18 related to the extradition of a criminal suspect in-
19 volved in such crime.

20 **SEC. 4. RENEGOTIATION OF THE EXTRADITION TREATY BE-**
21 **TWEEN THE UNITED STATES AND THE**
22 **UNITED MEXICAN STATES.**

23 Not later than 60 days after the date of the enact-
24 ment of this Act, the Secretary of State shall notify the

1 Government of Mexico of the desire of the United States
2 to enter into formal discussions with respect to the Extra-
3 dition Treaty between the United States of America and
4 the United Mexican States, signed in Mexico City on May
5 4, 1978 (31 UST 5059), and to available actions that the
6 Government of Mexico may take to persuade the Mexican
7 Supreme Court to reconsider its October 2001 ruling, so
8 that the possibility of a sentence of life imprisonment will
9 not have an effect on the timely extradition of a criminal
10 suspect from Mexico to the United States.

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