

112TH CONGRESS  
2D SESSION

# S. 2276

To permit Federal officers to remove cases involving crimes of violence to Federal court.

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IN THE SENATE OF THE UNITED STATES

MARCH 29, 2012

Mr. GRASSLEY (for himself, Mr. COONS, Mr. COBURN, and Mr. SESSIONS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To permit Federal officers to remove cases involving crimes of violence to Federal court.

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 “Officer Safety Act of  
5 2012”.

6 **SEC. 2. LIMITED LIABILITY.**

7 Section 1442 of title 28, United States Code, is  
8 amended by striking subsection (c) and inserting the fol-  
9 lowing:

1       “(c) For purposes of subsection (a), a law enforce-  
2 ment officer, who is the defendant in a criminal prosecu-  
3 tion, shall be deemed to have been acting under the color  
4 of his office if the officer—

5           “(1) protected an individual in the presence of  
6 the officer from a crime of violence;

7           “(2) provided immediate assistance to an indi-  
8 vidual who suffered, or who was threatened with,  
9 bodily harm; or

10          “(3) prevented the escape of any individual who  
11 the officer reasonably believed to have committed, or  
12 was about to commit, in the presence of the officer,  
13 a crime of violence that resulted in, or was likely to  
14 result in, death or serious bodily injury.

15       “(d) In this section, the following definitions apply:

16           “(1) The terms ‘civil action’ and ‘criminal pros-  
17 ecution’ include any proceeding (whether or not an-  
18 cillary to another proceeding) to the extent that in  
19 such proceeding a judicial order, including a sub-  
20 poena for testimony or documents, is sought or  
21 issued. If removal is sought for a proceeding de-  
22 scribed in the previous sentence, and there is no  
23 other basis for removal, only that proceeding may be  
24 removed to the district court.

1           “(2) The term ‘crime of violence’ has the mean-  
2           ing given that term in section 16 of title 18.

3           “(3) The term ‘law enforcement officer’ means  
4           any employee described in subparagraph (A), (B), or  
5           (C) of section 8401(17) of title 5 and any special  
6           agent in the Diplomatic Security Service of the De-  
7           partment of State.

8           “(4) The term ‘serious bodily injury’ has the  
9           meaning given that term in section 1365 of title 18.

10          “(5) The term ‘State’ includes the District of  
11          Columbia, United States territories and insular pos-  
12          sessions, and Indian country (as defined in section  
13          1151 of title 18).

14          “(6) The term ‘State court’ includes the Supe-  
15          rior Court of the District of Columbia, a court of a  
16          United States territory or insular possession, and a  
17          tribal court.”.

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