

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

# H. R. 5698

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## AN ACT

To amend title 18, United States Code, to punish criminal offenses targeting law enforcement officers, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protect and Serve Act  
3 of 2018”.

4 **SEC. 2. CRIMES TARGETING LAW ENFORCEMENT OFFI-**  
5 **CERS.**

6 (a) IN GENERAL.—Chapter 7 of title 18, United  
7 States Code, is amended by adding at the end the fol-  
8 lowing:

9 **“§ 120. Crimes targeting law enforcement officers**

10 “(a) IN GENERAL.—Whoever, in any circumstance  
11 described in subsection (b), knowingly assaults a law en-  
12 forcement officer causing serious bodily injury, or at-  
13 tempts to do so—

14 “(1) shall be imprisoned not more than 10  
15 years, fined in accordance with this title, or both;  
16 and

17 “(2) shall be imprisoned for any term of years  
18 or for life, fined in accordance with this title, or  
19 both, if—

20 “(A) death results from the offense; or

21 “(B) the offense includes kidnapping or an  
22 attempt to kidnap, or an attempt to kill.

23 “(b) CIRCUMSTANCES DESCRIBED.—For purposes of  
24 subsection (a), the circumstances described in this sub-  
25 paragraph are that—

1           “(1) the conduct described in subsection (a) oc-  
2           curs during the course of, or as the result of, the  
3           travel of the defendant or the victim—

4                   “(A) across a State line or national border;

5           or

6                   “(B) using a channel, facility, or instru-  
7           mentality of interstate or foreign commerce;

8           “(2) the defendant uses a channel, facility, or  
9           instrumentality of interstate or foreign commerce in  
10          connection with the conduct described in subsection  
11          (a);

12          “(3) in connection with the conduct described in  
13          subsection (a), the defendant employs a firearm,  
14          dangerous weapon, explosive or incendiary device, or  
15          other weapon that has traveled in interstate or for-  
16          eign commerce;

17          “(4) the conduct described in subsection (a)—

18                   “(A) interferes with commercial or other  
19           economic activity in which the victim is engaged  
20           at the time of the conduct; or

21                   “(B) otherwise affects interstate or foreign  
22           commerce; or

23          “(5) the victim is a Federal law enforcement of-  
24          ficer.

25          “(c) CERTIFICATION REQUIREMENT.—

1           “(1) IN GENERAL.—No prosecution of any of-  
2           fense described in this section may be undertaken by  
3           the United States, except under the certification in  
4           writing of the Attorney General, or a designee,  
5           that—

6                   “(A) the State does not have jurisdiction;

7                   “(B) the State has requested that the Fed-  
8           eral Government assume jurisdiction;

9                   “(C) the verdict or sentence obtained pur-  
10          suant to State charges left demonstratively  
11          unvindicated the Federal interest in protecting  
12          the public safety; or

13                  “(D) a prosecution by the United States is  
14          in the public interest and necessary to secure  
15          substantial justice.

16           “(2) RULE OF CONSTRUCTION.—Nothing in  
17          this subsection shall be construed to limit the au-  
18          thority of Federal officers, or a Federal grand jury,  
19          to investigate possible violations of this section.

20          “(d) DEFINITIONS.—In this section:

21                  “(1) LAW ENFORCEMENT OFFICER.—The term  
22          ‘law enforcement officer’ means an employee of a  
23          governmental or public agency who is authorized by  
24          law—

1           “(A) to engage in or supervise the preven-  
2           tion, detection, or the investigation of any  
3           criminal violation of law; or

4           “(B) to engage in or supervise the deten-  
5           tion or the incarceration of any person for any  
6           criminal violation of law.

7           “(2) STATE.—The term ‘State’ means a State  
8           of the United States, the District of Columbia, or  
9           any commonwealth, territory, or possession of the  
10          United States.”.

11          (b) CLERICAL AMENDMENT.—The table of sections  
12          at the beginning of such chapter is amended by adding  
13          at the end the following new item:

“120. Crimes targeting law enforcement officers.”.

Passed the House of Representatives May 16, 2018.

Attest:

*Clerk.*

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