S. 2794

To make a deliberate, targeted attack on a law enforcement officer a crime, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 7, 2018

Mr. HATCH (for himself and Ms. HEITKAMP) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To make a deliberate, targeted attack on a law enforcement officer a crime, and for other purposes.

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

SECTION 1. SHORT TITLE.

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

SEC. 2. CRIMES TARGETING LAW ENFORCEMENT OFFI-
CERS.

(a) In General.—Chapter 7 of title 18, United States Code, is amended by adding at the end the fol-
lowing:
§ 120. Crimes targeting law enforcement officers

“(a) IN GENERAL.—Whoever, in any circumstance described in subsection (b), knowingly causes bodily injury to any person, or attempts to do so, because of the actual or perceived status of the person as a law enforcement officer—

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

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

“(A) death results from the offense; or

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

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

“(1) the conduct described in subsection (a) occurs during the course of, or as the result of, the travel of the defendant or the victim—

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

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

“(3) in connection with the conduct described in subsection (a), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

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

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

“(B) otherwise affects interstate or foreign commerce.

“(c) CERTIFICATION REQUIREMENT.—

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

“(A) the State does not have jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;
“(C) the verdict or sentence obtained pur-
suant to State charges left demonstratively
unvindicated the Federal interest in protecting
the public safety; or

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

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

“(d) GUIDELINES.—All prosecutions conducted by
the United States under this section shall be undertaken
pursuant to guidelines issued by the Attorney General, or
the designee of the Attorney General, to be included in
the United States Attorneys’ Manual that shall establish
neutral and objective criteria for determining whether a
crime was committed because of the actual or perceived
status of any person.

“(e) STATUTE OF LIMITATIONS.—

“(1) OFFENSES NOT RESULTING IN DEATH.—
Except as provided in paragraph (2), no person shall
be prosecuted, tried, or punished for any offense
under this section unless the indictment for such of-
fense is found, or the information for such offense
is instituted, not later than 7 years after the date
on which the offense was committed.

“(2) Offenses resulting in death.—An in-
dictment or information alleging that an offense
under this section resulted in death may be found or
instituted at any time without limitation.

“(f) Definitions.—In this section:

“(1) Law enforcement officer.—The term
‘law enforcement officer’ means an employee of a
governmental or public agency who is authorized by
law—

“(A) to engage in or supervise the preven-
tion, detention, investigation, or the incarcer-
ation of any person for any criminal violation of
law; and

“(B) to apprehend or arrest a person for
any criminal violation of law.

“(2) State.—The term ‘State’ includes the
District of Columbia, Puerto Rico, and any other
territory or possession of the United States.”.

(b) Clerical Amendment.—The table of sections
at the beginning of such chapter is amended by adding
at the end the following new item:

“120. Crimes targeting law enforcement officers.”.

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