

115TH CONGRESS  
2D SESSION

# H. R. 4935

To amend title 18, United States Code, to provide a penalty for assault against journalists, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2018

Mr. SWALWELL of California (for himself, Mr. COHEN, Mr. CICILLINE, Mrs. NAPOLITANO, Ms. NORTON, Mr. CARSON of Indiana, Mrs. DINGELL, Mr. SOTO, Mr. KHANNA, Mr. SERRANO, Mr. RUSH, Ms. MAXINE WATERS of California, and Ms. MOORE) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to provide a penalty for assault against journalists, 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 “Journalist Protection  
5 Act”.

6 **SEC. 2. ASSAULT AGAINST JOURNALISTS.**

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

1 **“§ 120. Assault against journalists**

2 “(a) IN GENERAL.—Whoever, in or affecting inter-  
3 state or foreign commerce, intentionally commits, or at-  
4 tempts to commit—

5 “(1) an act described in subsection (b) shall be  
6 fined under this title or imprisoned not more than  
7 3 years, or both; or

8 “(2) an act described in subsection (c) shall be  
9 fined under this title or imprisoned not more than  
10 6 years, or both.

11 “(b) BODILY INJURY TO A JOURNALIST.—An act de-  
12 scribed in this subsection is an act that causes a bodily  
13 injury to an individual—

14 “(1) who is a journalist;

15 “(2) committed with knowledge or reason to  
16 know such individual is a journalist; and

17 “(3) committed—

18 “(A) while such journalist is taking part in  
19 newsgathering; or

20 “(B) with the intention of intimidating or  
21 impeding newsgathering by such journalist.

22 “(c) SERIOUS BODILY INJURY TO A JOURNALIST.—  
23 An act described in this subsection is an act that causes  
24 a serious bodily injury to an individual—

25 “(1) who is a journalist;

1 “(2) committed with knowledge or reason to  
2 know such individual is a journalist; and

3 “(3) committed—

4 “(A) while such journalist is taking part in  
5 newsgathering; or

6 “(B) with the intention of intimidating or  
7 impeding newsgathering by such journalist.

8 “(d) DEFINITIONS.—For purposes of this section:

9 “(1) BODILY INJURY.—The term ‘bodily injury’  
10 has the meaning given such term in section  
11 1365(h)(4) of this title.

12 “(2) JOURNALIST.—The term ‘journalist’  
13 means an individual who—

14 “(A) is an employee, independent con-  
15 tractor, or agent of an entity or service that  
16 disseminates news or information—

17 “(i) by means of a newspaper, nonfic-  
18 tion book, wire service, news agency, news  
19 website, mobile application or other news  
20 or information service (whether distributed  
21 digitally or otherwise), news program,  
22 magazine, or other periodical (whether in  
23 print, electronic, or other format); or

24 “(ii) through television broadcast,  
25 radio broadcast, multichannel video pro-

1                   gramming distributor (as such term is de-  
 2                   fined in section 602(13) of the Commu-  
 3                   nications Act of 1934 (47 U.S.C.  
 4                   522(13))), or motion picture for public  
 5                   showing; and

6                   “(B) with the primary intent to investigate  
 7                   events or procure material in order to dissemi-  
 8                   nate to the public news or information con-  
 9                   cerning local, national, or international events  
 10                  or other matters of public interest, engages in  
 11                  newsgathering.

12                  “(3)           NEWSGATHERING.—The           term  
 13                  ‘newsgathering’ means engaging in the regular gath-  
 14                  ering, preparation, collection, photographing, record-  
 15                  ing, writing, editing, reporting, or publishing con-  
 16                  cerning local, national, or international events or  
 17                  other matters of public interest.

18                  “(4) SERIOUS BODILY INJURY.—The term ‘seri-  
 19                  ous bodily injury’ has the meaning given such term  
 20                  in section 1365(h)(3) of this title.”.

21                  (b) CLERICAL AMENDMENT.—The table of sections  
 22                  for chapter 7 of title 18, United States Code, is amended  
 23                  by adding at the end the following:

“120. Assault against journalists.”.

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