

115TH CONGRESS
2D SESSION

H. R. 5698

To amend title 18, United States Code, to punish criminal offenses targeting law enforcement officers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2018

Mr. RUTHERFORD (for himself and Mrs. DEMINGS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. CRIMES TARGETING LAW ENFORCEMENT OFFI-**
7 **CERS.**

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

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

2 “(a) IN GENERAL.—Whoever, in any circumstance
3 described in subsection (b), knowingly causes serious bod-
4 ily injury to a law enforcement officer, or attempts to do
5 so—

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

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

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

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

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

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

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

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

25 “(2) the defendant uses a channel, facility, or
26 instrumentality of interstate or foreign commerce in

1 connection with the conduct described in subsection
2 (a);

3 “(3) in connection with the conduct described in
4 subsection (a), the defendant employs a firearm,
5 dangerous weapon, explosive or incendiary device, or
6 other weapon that has traveled in interstate or for-
7 eign commerce;

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

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

12 “(B) otherwise affects interstate or foreign
13 commerce; or

14 “(5) the victim is a Federal law enforcement of-
15 ficer.

16 “(c) CERTIFICATION REQUIREMENT.—

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

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

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

1 “(C) the verdict or sentence obtained pur-
2 suant to State charges left demonstratively
3 unvindicated the Federal interest in protecting
4 the public safety; or

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

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

12 “(d) DEFINITIONS.—In this section:

13 “(1) LAW ENFORCEMENT OFFICER.—The term
14 ‘law enforcement officer’ means an employee of a
15 governmental or public agency who is authorized by
16 law—

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

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

23 “(2) STATE.—The term ‘State’ means a State
24 of the United States, the District of Columbia, or

1 any commonwealth, territory, or possession of the
2 United States.”.

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

“120. Crimes targeting law enforcement officers.”.

