

112TH CONGRESS
2D SESSION

H. R. 4309

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2012

Mr. REICHERT (for himself and Mr. PASCRELL) introduced the following bill;
which was referred to the Committee on the Judiciary

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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