

Calendar No. 413

112TH CONGRESS
2D SESSION

S. 2276

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

IN THE SENATE OF THE UNITED STATES

MARCH 29, 2012

Mr. GRASSLEY (for himself, Mr. COONS, Mr. COBURN, Mr. SESSIONS, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mr. SCHUMER, Mr. BLUMENTHAL, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MAY 23, 2012

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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~~”.

1 **SEC. 2. LIMITED LIABILITY.**

2 Section 1442 of title 28, United States Code, is
3 amended by striking subsection (c) and inserting the fol-
4 lowing:

5 “(c) For purposes of subsection (a), a law enforce-
6 ment officer, who is the defendant in a criminal prosecu-
7 tion, shall be deemed to have been acting under the color
8 of his office if the officer—

9 “(1) protected an individual in the presence of
10 the officer from a crime of violence;

11 “(2) provided immediate assistance to an indi-
12 vidual who suffered, or who was threatened with,
13 bodily harm; or

14 “(3) prevented the escape of any individual who
15 the officer reasonably believed to have committed, or
16 was about to commit, in the presence of the officer,
17 a crime of violence that resulted in, or was likely to
18 result in, death or serious bodily injury.

19 “(d) In this section, the following definitions apply:

20 “(1) The terms ‘civil action’ and ‘criminal pros-
21 ecution’ include any proceeding (whether or not an-
22 eillary to another proceeding) to the extent that in
23 such proceeding a judicial order, including a sub-
24 poena for testimony or documents, is sought or
25 issued. If removal is sought for a proceeding de-
26 scribed in the previous sentence, and there is no

1 other basis for removal, only that proceeding may be
 2 removed to the district court.

3 “(2) The term ‘crime of violence’ has the mean-
 4 ing given that term in section 16 of title 18.

5 “(3) The term ‘law enforcement officer’ means
 6 any employee described in subparagraph (A), (B), or
 7 (C) of section 8401(17) of title 5 and any special
 8 agent in the Diplomatic Security Service of the De-
 9 partment of State.

10 “(4) The term ‘serious bodily injury’ has the
 11 meaning given that term in section 1365 of title 18.

12 “(5) The term ‘State’ includes the District of
 13 Columbia, United States territories and insular pos-
 14 sessions, and Indian country (as defined in section
 15 1151 of title 18).

16 “(6) The term ‘State court’ includes the Supe-
 17 rior Court of the District of Columbia, a court of a
 18 United States territory or insular possession, and a
 19 tribal court.”.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Officer Safety Act of*
 22 *2012”.*

23 **SEC. 2. REMOVAL OF ACTION.**

24 *Section 1442 of title 28, United States Code, is amend-*
 25 *ed by striking subsection (c) and inserting the following:*

1 “(c) Solely for purposes of determining the propriety
2 of removal under subsection (a), a law enforcement officer,
3 who is the defendant in a criminal prosecution, shall be
4 deemed to have been acting under the color of his office if
5 the officer—

6 “(1) protected an individual in the presence of
7 the officer from a crime of violence;

8 “(2) provided immediate assistance to an indi-
9 vidual who suffered, or who was threatened with, bod-
10 ily harm; or

11 “(3) prevented the escape of any individual who
12 the officer reasonably believed to have committed, or
13 was about to commit, in the presence of the officer,
14 a crime of violence that resulted in, or was likely to
15 result in, death or serious bodily injury.

16 “(d) In this section, the following definitions apply:

17 “(1) The terms ‘civil action’ and ‘criminal pros-
18 ecution’ include any proceeding (whether or not ancil-
19 lary to another proceeding) to the extent that in such
20 proceeding a judicial order, including a subpoena for
21 testimony or documents, is sought or issued. If re-
22 moval is sought for a proceeding described in the pre-
23 vious sentence, and there is no other basis for re-
24 moval, only that proceeding may be removed to the
25 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 Co-*
11 *lumbia, United States territories and insular posses-*
12 *sions, and Indian country (as defined in section 1151*
13 *of title 18).*

14 “(6) *The term ‘State court’ includes the Superior*
15 *Court of the District of Columbia, a court of a United*
16 *States territory or insular possession, and a tribal*
17 *court.”.*

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