

115TH CONGRESS
2D SESSION

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.

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 bodily injury
4 to any person, or attempts to do so, because of the actual
5 or perceived status of the person as a law enforcement
6 officer—

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

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

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

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

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

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

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

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

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

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

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

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

14 “(B) otherwise affects interstate or foreign
15 commerce.

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

20 “(e) STATUTE OF LIMITATIONS.—

21 “(1) OFFENSES NOT RESULTING IN DEATH.—
22 Except as provided in paragraph (2), no person shall
23 be prosecuted, tried, or punished for any offense
24 under this section unless the indictment for such of-
25 fense is found, or the information for such offense

1 is instituted, not later than 7 years after the date
2 on which the offense was committed.

3 “(2) OFFENSES RESULTING IN DEATH.—An in-
4 dictment or information alleging that an offense
5 under this section resulted in death may be found or
6 instituted at any time without limitation.

7 “(f) DEFINITIONS.—In this section:

8 “(1) LAW ENFORCEMENT OFFICER.—The term
9 ‘law enforcement officer’ means an employee of a
10 governmental or public agency who is authorized by
11 law—

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

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

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

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

“120. Crimes targeting law enforcement officers.”.