## AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 743

## Offered by M\_.

Strike all that follows after the enacting clause and insert the following:

## 1 SECTION 1. SHORT TITLE.

- This Act may be cited as the "Protect and Serve Act
- 3 of 2024".
- 4 SEC. 2. CRIMES TARGETING LAW ENFORCEMENT OFFI-
- 5 CERS.
- 6 (a) IN GENERAL.—Chapter 7 of title 18, United
- 7 States Code, is amended by adding at the end the fol-
- 8 lowing:

## 9 "§ 120. Crimes targeting law enforcement officers

- 10 "(a) In General.—Whoever, in any circumstance
- 11 described in subsection (b), knowingly assaults a law en-
- 12 forcement officer, while that officer is acting in the course
- 13 of the official duties of the officer or because of the offi-
- 14 cer's status as a law enforcement officer, causing serious
- 15 bodily injury, or attempts to do so—
- 16 "(1) shall be imprisoned not more than 10
- years, fined in accordance with this title, or both;
- 18 and

1	"(2) shall be imprisoned for any term of years
2	or for life, fined in accordance with this title, or
3	both, if—
4	"(A) death results from the offense; or
5	"(B) the offense includes kidnapping or an
6	attempt to kidnap, or an attempt to kill.
7	"(b) CIRCUMSTANCES DESCRIBED.—For purposes of
8	subsection (a), the circumstances described in this sub-
9	section are that—
10	"(1) the conduct described in subsection (a) oc-
11	curs during the course of, or as the result of, the
12	travel of the defendant or the victim—
13	"(A) across a State line or national border;
14	or
15	"(B) using a channel, facility, or instru-
16	mentality of interstate or foreign commerce;
17	"(2) the defendant uses a channel, facility, or
18	instrumentality of interstate or foreign commerce in
19	connection with the conduct described in subsection
20	(a);
21	"(3) in connection with the conduct described in
22	subsection (a), the defendant employs a firearm,
23	dangerous weapon, explosive or incendiary device, or
24	other weapon that has traveled in interstate or for-
25	eign commerce;

1	"(4) the conduct described in subsection (a)—
2	"(A) interferes with commercial or other
3	economic activity in which the victim is engaged
4	at the time of the conduct; or
5	"(B) otherwise affects interstate or foreign
6	commerce; or
7	"(5) the victim is a Federal law enforcement of-
8	ficer.
9	"(c) Certification Requirement.—
10	"(1) In general.—No prosecution of any of-
11	fense described in this section may be undertaken by
12	the United States, except under the certification in
13	writing of the Attorney General, or a designee,
14	that—
15	"(A) the State does not have jurisdiction;
16	"(B) the State has requested that the Fed-
17	eral Government assume jurisdiction;
18	"(C) the verdict or sentence obtained pur-
19	suant to State charges left demonstratively
20	unvindicated the Federal interest in protecting
21	the public safety; or
22	"(D) a prosecution by the United States is
23	in the public interest and necessary to secure
24	substantial justice.

1	"(2) Rule of construction.—Nothing in
2	this subsection shall be construed to limit the au-
3	thority of Federal officers, or a Federal grand jury,
4	to investigate possible violations of this section.
5	"(d) Definitions.—In this section:
6	"(1) Law enforcement officer.—The term
7	'law enforcement officer' means an employee of a
8	governmental or public agency who is authorized by
9	law—
10	"(A) to engage in or supervise the preven-
11	tion, detection, or the investigation of any
12	criminal violation of law; or
13	"(B) to engage in or supervise the deten-
14	tion or the incarceration of any person for any
15	criminal violation of law.
16	"(2) State.—The term 'State' means a State
17	of the United States, the District of Columbia, or
18	any commonwealth, territory, or possession of the
19	United States.".
20	(b) Clerical Amendment.—The table of sections
21	at the beginning of such chapter is amended by adding
22	at the end the following new item:

"120. Crimes targeting law enforcement officers.".

