

## Union Calendar No.

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5698

[Report No. 115-]

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

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### 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

MAY --, 2018

Committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

# **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:

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

12       “(a) IN GENERAL.—Whoever, in any circumstance  
13 described in subsection (b), knowingly causes serious bod-  
14 ily injury to a law enforcement officer, or attempts to do  
15 so—

16               “(1) shall be imprisoned not more than 10  
17 years, fined in accordance with this title, or both;  
18 and

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

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

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

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

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

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

8           or

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

11           “(2) the defendant uses a channel, facility, or  
12 instrumentality of interstate or foreign commerce in  
13 connection with the conduct described in subsection  
14 (a);

15           “(3) in connection with the conduct described in  
16 subsection (a), the defendant employs a firearm,  
17 dangerous weapon, explosive or incendiary device, or  
18 other weapon that has traveled in interstate or for-  
19 eign commerce;

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

21           “(A) interferes with commercial or other  
22 economic activity in which the victim is engaged  
23 at the time of the conduct; or

24           “(B) otherwise affects interstate or foreign  
25 commerce; or

1           “(5) the victim is a Federal law enforcement of-  
2           ficer.

3           “(c) CERTIFICATION REQUIREMENT.—

4           “(1) IN GENERAL.—No prosecution of any of-  
5           fense described in this section may be undertaken by  
6           the United States, except under the certification in  
7           writing of the Attorney General, or a designee,  
8           that—

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

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

12           “(C) the verdict or sentence obtained pur-  
13           suant to State charges left demonstratively  
14           unvindicated the Federal interest in protecting  
15           the public safety; or

16           “(D) a prosecution by the United States is  
17           in the public interest and necessary to secure  
18           substantial justice.

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

23           “(d) DEFINITIONS.—In this section:

24           “(1) LAW ENFORCEMENT OFFICER.—The term  
25           ‘law enforcement officer’ means an employee of a

1 governmental or public agency who is authorized by  
2 law—

3 “(A) to engage in or supervise the preven-  
4 tion, detention, investigation, or the incarcer-  
5 ation of any person for any criminal violation of  
6 law; and

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

9 “(2) STATE.—The term ‘State’ means a State  
10 of the United States, the District of Columbia, or  
11 any commonwealth, territory, or possession of the  
12 United States.”.

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

“120. Crimes targeting law enforcement officers.”.