

(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R.

To amend title 18, United States Code, to clarify the definition of “crime of violence”, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. KAREN C. HANDEL introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 18, United States Code, to clarify the definition of “crime of violence”, 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 “Community Safety and
5 Security Act of 2018”.

6 **SEC. 2. CRIME OF VIOLENCE.**

7 Section 16 of title 18, United States Code, is amend-
8 ed to read as follows:

1 **“SEC. 16. CRIME OF VIOLENCE DEFINED.**

2 “(a) The term ‘crime of violence’ means an offense

3 ~~that~~

4 “(1)(A) that—

5 “(i) is murder, voluntary manslaughter, as-
6 sault, sexual abuse or aggravated sexual abuse,
7 abusive sexual contact, child abuse, kidnapping,
8 robbery, carjacking, firearms use, burglary,
9 arson, extortion, communication of threats, co-
10 ercion, fleeing, interference with flight crew
11 members and attendants, domestic violence,
12 hostage taking, stalking, human trafficking, pi-
13 racy, or a terrorism offense as described in
14 chapter 113B (other than in section 2332d); or

15 “(ii) involves the unlawful possession or
16 use of a weapon of mass destruction; or

17 “(B) that involves use or unlawful posses-
18 sion of explosives or destructive devices de-
19 scribed in 5845(f) of the Internal Revenue Code
20 of 1986;

21 “(2) that has as an element the use, attempted
22 use, or threatened use of physical force against the
23 person or property of another; or

24 “(3) that is an attempt to commit, conspiracy
25 to commit, solicitation to commit, or aiding and

1 abetting any of the offenses set forth in paragraphs
2 (1) and (2).

3 “(b) In this section:

4 “(1) The term ‘abusive sexual contact’ means
5 conduct described in section 2244(a)(1) and (a)(2).

6 “(2) The terms ‘aggravated sexual abuse’ and
7 ‘sexual abuse’ mean conduct described in sections
8 2241 and 2242. For purposes of such conduct, the
9 term ‘sexual act’ means conduct described in section
10 2246(2), or the knowing and lewd exposure of geni-
11 talia or masturbation, to any person, with an intent
12 to abuse, humiliate, harass, degrade, or arouse or
13 gratify the sexual desire of any person.

14 “(3) The term ‘assault’ means conduct de-
15 scribed in section 113(a), and includes conduct com-
16 mitted recklessly, knowingly, or intentionally.

17 “(4) The term ‘arson’ means conduct described
18 in section 844(i) or unlawfully or willfully damaging
19 or destroying any building, inhabited structure, vehi-
20 cle, vessel, or real property by means of fire or ex-
21 plosive.

22 “(5) The term ‘burglary’ means an unlawful or
23 unprivileged entry into, or remaining in, a building
24 or structure, including any nonpermanent or mobile
25 structure that is adapted or used for overnight ac-

1 commodation or for the ordinary carrying on of busi-
2 ness, and, either before or after entering, the per-
3 son—

4 “(A) forms the intent to commit a crime;
5 or

6 “(B) commits or attempts to commit a
7 crime.

8 “(6) The term ‘carjacking’ means conduct de-
9 scribed in section 2119, or the unlawful taking of a
10 motor vehicle from the immediate actual possession
11 of a person against his will, by means of actual or
12 threatened force, or violence or intimidation, or by
13 sudden or stealthy seizure or snatching, or fear of
14 injury.

15 “(7) The term ‘child abuse’ means the unlawful
16 infliction of physical injury or the commission of any
17 sexual act against a child under fourteen by any per-
18 son eighteen years of age or older.

19 “(8) The term ‘communication of threats’
20 means conduct described in section 844(e), or the
21 transmission of any communications containing any
22 threat of use of violence to—

23 “(A) demand or request for a ransom or
24 reward for the release of any kidnapped person;
25 or

1 “(B) threaten to kidnap or injure the per-
2 son of another.

3 “(9) The term ‘coercion’ means causing the
4 performance or non-performance of any act by an-
5 other person under which such other person has a
6 legal right to do or to abstain from doing, through
7 fraud or by the use of actual or threatened force, vi-
8 olence, or fear thereof, including the use, or an ex-
9 press or implicit threat of use, of violence to cause
10 harm, or threats to cause injury to the person, rep-
11 utation or property of any person.

12 “(10) The term ‘domestic violence’ means any
13 assault committed by a current or former spouse,
14 parent, or guardian of the victim, by a person with
15 whom the victim shares a child in common, by a per-
16 son who is cohabiting with or has cohabited with the
17 victim as a spouse, parent, or guardian, or by a per-
18 son similarly situated to a spouse, parent, or guard-
19 ian of the victim.

20 “(11) The term ‘extortion’ means conduct de-
21 scribed in section 1951(b)(2)), but not extortion
22 under color of official right or fear of economic loss.

23 “(12) The term ‘firearms use’ means conduct
24 described in section 924(c) or 929(a), if the firearm
25 was brandished, discharged, or otherwise possessed,

1 carried, or used as a weapon and the crime of vio-
2 lence or drug trafficking crime during and in rela-
3 tion to which the firearm was possessed, carried, or
4 used was subject to prosecution in any court of the
5 United States, State court, military court or tri-
6 bunal, or tribal court. Such term also includes un-
7 lawfully possessing a firearm described in section
8 5845(a) of the Internal Revenue Code of 1986 (such
9 as a sawed-off shotgun or sawed-off rifle, silencer,
10 bomb, or machine gun), possession of a firearm in
11 violation of section 922(g)(1), 922(g)(2) and
12 922(g)(4), possession of a firearm with the intent to
13 use such firearm unlawfully, or reckless discharge of
14 a firearm at a dwelling.

15 “(13) The term ‘fleeing’ means knowingly oper-
16 ating a motor vehicle and, following a law enforce-
17 ment officer’s signal to bring the motor vehicle to a
18 stop—

19 “(A) failing or refusing to comply; or

20 “(B) fleeing or attempting to elude a law
21 enforcement officer.

22 “(14) The term ‘force’ means the level of force
23 capable of causing physical pain or injury or needed
24 or intended to overcome resistance.

1 “(15) The term ‘hostage taking’ means conduct
2 described in section 1203.

3 “(16) The term ‘human trafficking’ means con-
4 duct described in section 1589, 1590, and 1591.

5 “(17) The term ‘interference with flight crew
6 members and attendants’ means conduct described
7 in section 46504 of title 49, United States Code.

8 “(18) The term ‘kidnapping’ means conduct de-
9 scribed in section 1201(a)(1) or seizing, confining,
10 inveigling, decoying, abducting, or carrying away
11 and holding for ransom or reward or otherwise any
12 person.

13 “(19) The term ‘murder’ means conduct de-
14 scribed as murder in the first degree or murder in
15 the second degree described in section 1111.

16 “(20) the term ‘robbery’ means conduct de-
17 scribed in section 1951(b)(1), or the unlawful taking
18 or obtaining of personal property from the person or
19 in the presence of another, against his will, by
20 means of actual or threatened force, or violence or
21 intimidation, or by sudden or stealthy seizure or
22 snatching, or fear of injury, immediate or future, to
23 his person or property, or property in his custody or
24 possession, or the person or property of a relative or

1 member of his family or of anyone in his company
2 at the time of the taking or obtaining.

3 “(21) The term ‘stalking’ means conduct de-
4 scribed in section 2261A.

5 “(22) The term ‘weapon of mass destruction’
6 has the meaning given such term in section
7 2332a(c).

8 “(23) the term ‘voluntary manslaughter’ means
9 conduct described in section 1112(a).

10 “(c) For purposes of this section, in the case of any
11 reference in subsection (b) to an offense under this title,
12 such reference shall include conduct that constitutes an
13 offense under State or tribal law or under the Uniform
14 Code of Military Justice, if such conduct would be an of-
15 fense under this title if a circumstance giving rise to Fed-
16 eral jurisdiction had existed.

17 “(d) For purposes of this section, the term ‘con-
18 spiracy’ includes any offense that is a conspiracy to com-
19 mit another offense under State or Federal law, irrespec-
20 tive of whether proof of an overt act is required to estab-
21 lish commission of the conspiracy offense.”.