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

IN THE HOUSE OF REPRESENTATIVES

Mr. RUTHERFORD introduced the following bill; which was referred to the Committee on

A BILL

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

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protect and Serve Act of 2018”.

(Original Signature of Member)
SEC. 2. CRIMES TARGETING LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

“§ 120. Crimes targeting law enforcement officers

“(a) IN GENERAL.—Whoever, in any circumstance described in subsection (b), knowingly causes serious bodily injury to a law enforcement officer, or attempts to do so—

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

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

“(A) death results from the offense; or

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

“(b) CIRCUMSTANCES DESCRIBED.—For purposes of subsection (a), the circumstances described in this subparagraph are that—

“(1) the conduct described in subsection (a) occurs during the course of, or as the result of, the travel of the defendant or the victim—
“(A) across a State line or national border;

or

“(B) using a channel, facility, or instrumentality of interstate or foreign commerce;

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

“(3) in connection with the conduct described in subsection (a), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce;

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

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

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

“(5) the victim is a Federal law enforcement officer.

“(c) CERTIFICATION REQUIREMENT.—

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

“(A) the State does not have jurisdiction; 
“(B) the State has requested that the Federal Government assume jurisdiction; 
“(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in protecting the public safety; or 
“(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

“(d) DEFINITIONS.—In this section:

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

“(A) to engage in or supervise the prevention, detention, investigation, or the incarceration of any person for any criminal violation of law; and
“(B) to apprehend or arrest a person for any criminal violation of law.

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

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

“120. Crimes targeting law enforcement officers.”.