

117TH CONGRESS
1ST SESSION

S. 774

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

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2021

Mr. TILLIS (for himself, Mr. PORTMAN, Mr. INHOFE, Mr. HAWLEY, Mr. BURR, Mr. SCOTT of Florida, Mr. BOOZMAN, Mr. BRAUN, Mr. MORAN, Mrs. CAPITO, Mr. DAINES, Mrs. BLACKBURN, Mr. THUNE, Mr. CRAMER, Mr. WICKER, Mr. COTTON, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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 2021”.

1 **SEC. 2. CRIMES TARGETING LAW ENFORCEMENT OFFI-**
 2 **CERS.**

3 (a) IN GENERAL.—Chapter 7 of title 18, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing:

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

7 “(a) IN GENERAL.—Whoever, in any circumstance
 8 described in subsection (b), knowingly assaults a law en-
 9 forcement officer causing serious bodily injury, or at-
 10 tempts to do so—

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

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

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

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

20 “(b) CIRCUMSTANCES DESCRIBED.—For purposes of
 21 subsection (a), the circumstances described in this sub-
 22 section are that—

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

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

2 or

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

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

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

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

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

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

20 “(5) the victim is a Federal law enforcement of-
21 ficer.

22 “(c) CERTIFICATION REQUIREMENT.—

23 “(1) IN GENERAL.—No prosecution of any of-
24 fense described in this section may be undertaken by
25 the United States, except under the certification in

1 writing of the Attorney General, or a designee,
2 that—

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

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

6 “(C) the verdict or sentence obtained pur-
7 suant to State charges left demonstratively
8 unvindicated the Federal interest in protecting
9 the public safety; or

10 “(D) a prosecution by the United States is
11 in the public interest and necessary to secure
12 substantial justice.

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

17 “(d) DEFINITIONS.—In this section:

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

22 “(A) to engage in or supervise the preven-
23 tion, detection, or the investigation of any
24 criminal violation of law; or

1 “(B) to engage in or supervise the deten-
2 tion or the incarceration of any person for any
3 criminal violation of law.

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

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

 “120. Crimes targeting law enforcement officers.”.

