112TH CONGRESS
1ST SESSION

H. R. 504

To provide immunity from civil liability to first responders engaged in lawful efforts to prevent acts of terrorism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2011

Mrs. MYRICK introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide immunity from civil liability to first responders engaged in lawful efforts to prevent acts of terrorism, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “First Responders Fighting Terrorism Protection Act of 2011”.

SEC. 2. IMMUNITY FROM CIVIL LIABILITY FOR ENGAGING IN LAWFUL EFFORTS TO PREVENT ACTS OF TERRORISM.

(a) IN GENERAL.—A first responder who takes reasonable action to prevent an act of terrorism, or who ob-
serves, or receives a report of, covered activity and takes reasonable action to respond to such activity shall have qualified immunity from civil liability for such action, consistent with applicable law in the relevant jurisdiction. A first responder not entitled to assert the defense of qualified immunity shall nevertheless be immune from civil liability under Federal, State, and local law if such first responder acted in good faith and on objectively reasonable suspicion and took reasonable action to prevent terrorist activity or in responding to the reported or observed covered activity.

(b) SAVINGS CLAUSE.—Nothing in this Act shall affect the ability of a first responder to assert any defense, privilege, or immunity that would otherwise be available, and this Act shall not be construed as affecting any such defense, privilege, or immunity.

(c) ATTORNEY FEES AND COSTS.—A first responder found to be immune from civil liability under this Act shall be entitled to recover from the plaintiff all reasonable costs and attorney fees.

(d) DEFINITIONS.—In this Act:

(1) The term “first responder” means any Federal, State, or local law enforcement agent, prosecution agent, border agent, immigration agent, trans-
portation security agent, fire fighter, or emergency medical service provider, including—

(A) any agent of the Department of Justice, the Office of the Director of National Intelligence and constituent agencies, the Department of Homeland Security, the United States Capitol Police, the Park Police, and the Intelligence and Criminal Investigation Divisions of each military department;

(B) a State or Commonwealth attorney, an officer or agent of a State police department, an agent of a State Bureau of Investigation, an agent of any State Parks Commission police, State and federalized National Guard personnel, and any uniformed officer of Wildlife Fish and Game Commissions; and

(C) a county or municipal district attorney, an agent of a county sheriff’s department or municipal police department, an agent or officer of a county or municipal fire department, volunteer fire departments under contract with a State, county or municipality, or a county or municipal emergency service department.
(2) The term “act of terrorism” means an act of domestic or international terrorism as defined in section 2331 of title 18, United States Code.

(3) The term “covered activity” means any suspicious transaction, activity, or occurrence that indicates that an individual may be engaging, or preparing to engage, in a violation of law relating to an act of terrorism.

(4) The term “reasonable action” means a lawful effort made in good faith and includes, but is not limited to, conduct involving—

(A) the investigation of suspicious behavior or suspected violations of law relating to an act of terrorism;

(B) the arrest, detention, or interrogation of individuals engaging in suspicious behavior or suspected of engaging in, or preparing to engage in, a violation of a law relating to an act of terrorism; and

(C) the administration of or enrollment in counterterrorism training and research programs designed to prevent violations of law relating to an act of terrorism.
SEC. 3. APPLICATION OF ACT.

This Act shall apply to all activities and claims occurring on or after the date of enactment of this Act.