

105TH CONGRESS
1ST SESSION

H. R. 826

To amend title 18, United States Code, to provide specific penalties for taking a firearm from a Federal law enforcement officer.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 1997

Mr. NEY (for himself, Mr. OXLEY, Mr. BARR of Georgia, Mr. BAKER, Mr. RIGGS, Mr. LOBIONDO, Mr. GOODE, Mr. TRAFICANT, Mr. HOBSON, and Mr. FOX of Pennsylvania) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide specific penalties for taking a firearm from a Federal law enforcement officer.

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 “Gun Retention Act
5 of 1997”.

1 **SEC. 2. TAKING A FIREARM FROM A LAW ENFORCEMENT**
2 **OFFICER.**

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

6 **“§ 117. Taking a firearm from a law enforcement**
7 **officer**

8 “(a) Whoever knowingly takes a firearm—

9 “(1) from the person of a law enforcement offi-
10 cer, while such officer is engaged in the performance
11 of official duties; and

12 “(2) against that officer’s will;

13 or attempts to do so, shall be punished as provided in sub-
14 section (b).

15 “(b) The punishment for an offense under this sec-
16 tion is—

17 “(1) in the case of an offense other than an at-
18 tempt, or an offense that is an attempt during which
19 the firearm is discharged (other than intentionally
20 by the officer), a fine under this title and imprison-
21 ment for not less than 10 nor more than 15 years;
22 and

23 “(2) in the case of any other offense that is an
24 attempt, a fine under this title and imprisonment for
25 not less than 5 nor more than 10 years.

1 “(c) A term of imprisonment imposed under this sec-
2 tion shall not run concurrently with any other term of im-
3 prisonment imposed with respect to the same criminal
4 episode.

5 “(d) As used in this section—

6 “(1) the term ‘firearm’ has the meaning given
7 that term in section 921 of this title; and

8 “(2) the term ‘law enforcement officer’ means
9 a person designated in section 1114 of this title.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of chapter 7 of title 18, United States
12 Code, is amended by adding at the end the following new
13 item:

“117. Taking a firearm from a law enforcement officer.”.

○