

## Calendar No. 511

105TH CONGRESS  
2D SESSION**S. 1031**

To protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury.

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IN THE SENATE OF THE UNITED STATES

JULY 17, 1997

Mr. GRASSLEY (for himself, Mr. D'AMATO, Mr. SESSIONS, Mr. STEVENS, Mr. HUTCHINSON, and Mr. GRAMS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JULY 30, 1998

Reported by Mr. HATCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury.

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 “Federal Law Enforce-  
5       ment Officers’ Good Samaritan Act of 1997”.

1 **SEC. 2. PROTECTION OF FEDERAL LAW ENFORCEMENT OF-**  
 2 **FICERS WHO INTERVENE IN CERTAIN SITUA-**  
 3 **TIONS TO PROTECT LIFE OR TO PREVENT**  
 4 **BODILY INJURY.**

5 (a) **DEFINITIONS.**—In this section—

6 (1) the term “bodily injury” has the meaning  
 7 given that term in section 1365(g) of title 18,  
 8 United States Code;

9 (2) the term “crime of violence” has the mean-  
 10 ing given that term in section 16 of title 18, United  
 11 States Code;

12 (3) the term “law enforcement officer” has the  
 13 meaning given that term in section 8401 of title 5,  
 14 United States Code; and

15 (4) the term “serious bodily injury” has the  
 16 meaning given that term in section 1365(g) of title  
 17 18, United States Code.

18 (b) **RULE OF CONSTRUCTION.**—Notwithstanding any  
 19 other provision of law, for purposes of chapter 171 of title  
 20 28, United States Code, a law enforcement officer shall  
 21 be construed to be acting within the scope of his or her  
 22 office or employment, if the officer takes any action, in-  
 23 cluding the use of force, that is determined by the officer  
 24 to be necessary to—

1           (1) protect an individual in the presence of the  
2           officer from the imminent infliction of serious bodily  
3           injury;

4           (2) provide immediate assistance to an individ-  
5           ual who has suffered or who is threatened with seri-  
6           ous bodily injury; or

7           (3) prevent the escape of any individual whom  
8           the officer reasonably believes to have committed in  
9           the presence of the officer a crime of violence.

10 **SECTION 1. SHORT TITLE.**

11           *This Act may be cited as the “Federal Law Enforce-*  
12 *ment Officers’ Good Samaritan Act of 1998”.*

13 **SEC. 2. PROTECTION OF FEDERAL LAW ENFORCEMENT OF-**  
14 **FICERS WHO INTERVENE IN CERTAIN SITUA-**  
15 **TIONS.**

16           (a) *DEFINITIONS.—In this section—*

17                   (1) *the term “crime of violence” has the meaning*  
18 *given that term in section 16 of title 18, United*  
19 *States Code; and*

20                   (2) *the term “law enforcement officer” means—*

21                           (A) *any employee described in subpara-*  
22 *graph (A), (B), or (C) of section 8401(17) of title*  
23 *5, United States Code; and*

24                           (B) *any special agent in the Diplomatic Se-*  
25 *curity Service of the Department of State.*

1       (b) *RULE OF CONSTRUCTION.*—*Notwithstanding any*  
2 *other provision of law, for purposes of chapter 171 of title*  
3 *28, United States Code, or any other provision of law relat-*  
4 *ing to tort liability, a law enforcement officer shall be con-*  
5 *strued to be acting within the scope of his or her office or*  
6 *employment, if the officer takes reasonable action, including*  
7 *the use of force, to—*

8               (1) *protect an individual in the presence of the*  
9       *officer from a crime of violence;*

10              (2) *provide immediate assistance to an individ-*  
11       *ual who has suffered or who is threatened with bodily*  
12       *harm; or*

13              (3) *prevent the escape of any individual whom*  
14       *the officer reasonably believes to have committed in*  
15       *the presence of the officer a crime of violence.*



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