

106TH CONGRESS  
1ST SESSION

# H. R. 282

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to reduce funding if States do not enact legislation that requires the death penalty in certain cases.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

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

---

## A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to reduce funding if States do not enact legislation that requires the death penalty in certain cases.

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 “Correctional Officer  
5 Protection Act”.

1 **SEC. 2. GRANT REDUCTION FOR NONCOMPLIANCE.**

2 Section 506 of title I of the Omnibus Crime Control  
3 and Safe Streets Act of 1968 is amended by adding at  
4 the end the following:

5 “(g)(1) In order not to reduce the funds available  
6 under this subpart by 25 percent (for redistribution to  
7 other participating States), a State shall, on the first day  
8 of each fiscal year succeeding the first fiscal year begin-  
9 ning 2 years after the date of the enactment of the Correc-  
10 tional Officer Protection Act, have in effect throughout the  
11 State a law which requires whoever, being incarcerated  
12 pursuant to a conviction for crime, kills an individual who  
13 is a State or local correctional officer—

14 “(A) while such individual is engaged in carry-  
15 ing out official duties as such officer;

16 “(B) because of the nature of the official duties  
17 of such officer; or

18 “(C) because of such individual’s being such an  
19 officer;

20 shall be subject to the penalty of death, if the killing is  
21 a first degree murder, and subject to the penalties pro-  
22 vided in sections 1111 and 1112 of title 18, United States  
23 Code, in any other case.

24 “(2) As used in this subsection—

25 “(A) the term ‘State or local correctional offi-  
26 cer’ means any person who is a State or local officer

1 or employee, as such term is defined in section 1501  
2 of title 5, United States Code, and who in the course  
3 of official duty performs corrections-related or law  
4 enforcement functions; and

5 “(B) the term ‘State or local government’ in-  
6 cludes the District of Columbia, **【Commonwealth of】**  
7 Puerto Rico, and any other territory **【or】** and pos-  
8 session of the United States.”.

○