

111TH CONGRESS
1ST SESSION

H. R. 1343

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

MARCH 5, 2009

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.

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 “First Responders
5 Fighting Terrorism Protection Act of 2009”.

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

9 (a) IN GENERAL.—A first responder who takes rea-
10 sonable action to prevent an act of terrorism, or who ob-

1 serves, or receives a report of, covered activity and takes
2 reasonable action to respond to such activity shall have
3 qualified immunity from civil liability for such action, con-
4 sistent with applicable law in the relevant jurisdiction. A
5 first responder not entitled to assert the defense of quali-
6 fied immunity shall nevertheless be immune from civil li-
7 ability under Federal, State, and local law if such first
8 responder acted in good faith and on objectively reason-
9 able suspicion and took reasonable action to prevent ter-
10 rorist activity or in responding to the reported or observed
11 covered activity.

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

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

21 (d) DEFINITIONS.—In this Act:

22 (1) The term “first responder” means any Fed-
23 eral, State, or local law enforcement agent, prosecu-
24 tion agent, border agent, immigration agent, trans-

1 portation security agent, fire fighter, or emergency
2 medical service provider, including—

3 (A) any agent of the Department of Jus-
4 tice, the Office of the Director of National In-
5 telligence and constituent agencies, the Depart-
6 ment of Homeland Security, the United States
7 Capitol Police, the Park Police, and the Intel-
8 ligence and Criminal Investigation Divisions of
9 each military department;

10 (B) a State or Commonwealth attorney, an
11 officer or agent of a State police department,
12 an agent of a State Bureau of Investigation, an
13 agent of any State Parks Commission police,
14 State and federalized National Guard per-
15 sonnel, and any uniformed officer of Wildlife
16 Fish and Game Commissions; and

17 (C) a county or municipal district attorney,
18 an agent of a county sheriff's department or
19 municipal police department, an agent or officer
20 of a county or municipal fire department, volun-
21 teer fire departments under contract with a
22 State, county or municipality, or a county or
23 municipal emergency service department.

1 (2) The term “act of terrorism” means an act
2 of domestic or international terrorism as defined in
3 section 2331 of title 18, United States Code.

4 (3) The term “covered activity” means any sus-
5 picious transaction, activity, or occurrence that indi-
6 cates that an individual may be engaging, or pre-
7 paring to engage, in a violation of law relating to an
8 act of terrorism.

9 (4) The term “reasonable action” means a law-
10 ful effort made in good faith and includes, but is not
11 limited to, conduct involving—

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

15 (B) the arrest, detention, or interrogation
16 of individuals engaging in suspicious behavior
17 or suspected of engaging in, or preparing to en-
18 gage in, a violation of a law relating to an act
19 of terrorism; and

20 (C) the administration of or enrollment in
21 counterterrorism training and research pro-
22 grams designed to prevent violations of law re-
23 lating to an act of terrorism.

1 **SEC. 3. APPLICATION OF ACT.**

2 This Act shall apply to all activities and claims occur-
3 ring on or after the date of enactment of this Act.

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