

111TH CONGRESS
1ST SESSION

H. R. 866

To provide an exception to certain mandatory minimum sentence requirements for a law enforcement officer who uses, carries, or possesses a firearm during and in relation to a crime of violence committed while pursuing or apprehending a suspect.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2009

Mr. BRADY of Texas (for himself, Mr. BILBRAY, Mr. CULBERSON, Mr. ROHR-ABACHER, Mr. McCAUL, Mr. MARCHANT, Mr. LATTA, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. BROUN of Georgia, Mr. HARPER, Mr. BURTON of Indiana, Mr. KINGSTON, and Mr. SAM JOHNSON of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide an exception to certain mandatory minimum sentence requirements for a law enforcement officer who uses, carries, or possesses a firearm during and in relation to a crime of violence committed while pursuing or apprehending a suspect.

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 “Law Enforcement Pro-
5 tection Act”.

1 **SEC. 2. EXCEPTION TO CERTAIN MANDATORY MINIMUM**
 2 **SENTENCING REQUIREMENTS FOR A LAW EN-**
 3 **FORCEMENT OFFICER WHO USES, CARRIES,**
 4 **OR POSSESSES A FIREARM DURING AND IN**
 5 **RELATION TO A CRIME OF VIOLENCE COM-**
 6 **MITTED WHILE PURSUING OR APPRE-**
 7 **HENDING A SUSPECT.**

8 Section 924(c)(1) of title 18, United States Code, is
 9 amended by redesignating subparagraphs (B) through (D)
 10 as subparagraphs (C) through (E), respectively, and in-
 11 serting after subparagraph (A) the following:

12 “(B) The minimum sentencing requirements of sub-
 13 paragraph (A) shall not apply if—

14 “(i) at the time the person used, carried, or
 15 possessed the firearm, the person was a law enforce-
 16 ment officer authorized to carry the firearm;

17 “(ii) the offense under this paragraph occurred
 18 while the person was on-duty, and during or in rela-
 19 tion to the pursuit or apprehension of an individual
 20 who the person reasonably believed had committed a
 21 crime; and

22 “(iii) the crime committed by the person during
 23 and in relation to which the offense under this para-
 24 graph occurred is a crime of violence.”.

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