

112TH CONGRESS
2D SESSION

H. R. 6622

To permit Federal officers to remove cases involving crimes of violence to
Federal court.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 30, 2012

Mr. DANIEL E. LUNGREN of California introduced the following bill; which
was referred to the Committee on the Judiciary

A BILL

To permit Federal officers to remove cases involving crimes
of violence to Federal court.

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 “Officer Safety Act of
5 2012”.

6 **SEC. 2. REMOVAL OF ACTION.**

7 Section 1442 of title 28, United States Code, is
8 amended by striking subsection (c) and inserting the fol-
9 lowing:

1 “(c) Solely for purposes of determining the propriety
2 of removal under subsection (a), a law enforcement officer,
3 who is the defendant in a criminal prosecution, shall be
4 deemed to have been acting under the color of his office
5 if the officer—

6 “(1) protected an individual in the presence of
7 the officer from a crime of violence;

8 “(2) provided immediate assistance to an indi-
9 vidual who suffered, or who was threatened with,
10 bodily harm; or

11 “(3) prevented the escape of any individual who
12 the officer reasonably believed to have committed, or
13 was about to commit, in the presence of the officer,
14 a crime of violence that resulted in, or was likely to
15 result in, death or serious bodily injury.

16 “(d) In this section, the following definitions apply:

17 “(1) The terms ‘civil action’ and ‘criminal pros-
18 ecution’ include any proceeding (whether or not an-
19 cillary to another proceeding) to the extent that in
20 such proceeding a judicial order, including a sub-
21 poena for testimony or documents, is sought or
22 issued. If removal is sought for a proceeding de-
23 scribed in the previous sentence, and there is no
24 other basis for removal, only that proceeding may be
25 removed to the district court.

1 “(2) The term ‘crime of violence’ has the mean-
2 ing given that term in section 16 of title 18.

3 “(3) The term ‘law enforcement officer’ means
4 any employee described in subparagraph (A), (B), or
5 (C) of section 8401(17) of title 5 and any special
6 agent in the Diplomatic Security Service of the De-
7 partment of State.

8 “(4) The term ‘serious bodily injury’ has the
9 meaning given that term in section 1365 of title 18.

10 “(5) The term ‘State’ includes the District of
11 Columbia, United States territories and insular pos-
12 sessions, and Indian country (as defined in section
13 1151 of title 18).

14 “(6) The term ‘State court’ includes the Supe-
15 rior Court of the District of Columbia, a court of a
16 United States territory or insular possession, and a
17 tribal court.”.

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