

114TH CONGRESS
2D SESSION

S. 3545

To protect Federal, State, and local public safety officers.

IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2016

Mr. SULLIVAN introduced the following bill; which was read twice and referred
to the Committee on the Judiciary

A BILL

To protect Federal, State, and local public safety officers.

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 “Protect Our Heroes
5 Act of 2016”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Law enforcement officers, first responders,
9 and public safety officials risk their lives every day
10 to serve and protect our neighborhoods and commu-
11 nities.

1 (2) These men and women are true public serv-
 2 ants who regularly sacrifice and encounter grave
 3 daily harm.

4 (3) The families of law enforcement officers,
 5 first responders, and public safety officials also sac-
 6 rifice and contribute to their roles as guardians of
 7 the public good.

8 (4) In recent times, it has become apparent
 9 that these women and men are being targeted inten-
 10 tionally by criminals in our society.

11 (5) Congress must do all it can to promote a
 12 system of law and order which enables law enforce-
 13 ment officers, first responders, and public safety of-
 14 ficials to properly do their jobs.

15 **SEC. 3. PROTECTION OF PUBLIC SAFETY OFFICERS.**

16 (a) KILLING OF PUBLIC SAFETY OFFICERS.—

17 (1) OFFENSE.—Chapter 51 of title 18, United
 18 States Code, is amended by adding at the end the
 19 following:

20 **“§ 1123. Killing of public safety officers**

21 “(a) DEFINITIONS.—In this section—

22 “(1) the terms ‘Federal law enforcement officer’
 23 and ‘United States judge’ have the meanings given
 24 those terms in section 115;

1 “(2) the term ‘federally funded public safety of-
2 ficer’ means a public safety officer or judicial officer
3 for a public agency that—

4 “(A) receives Federal financial assistance;

5 and

6 “(B) is an agency of an entity that is a
7 State of the United States, the District of Co-
8 lumbia, the Commonwealth of Puerto Rico, the
9 Virgin Islands, Guam, American Samoa, the
10 Commonwealth of the Northern Mariana Is-
11 lands, or any territory or possession of the
12 United States, an Indian tribe, or a unit of
13 local government of that entity;

14 “(3) the term ‘firefighter’ includes an individual
15 serving as an officially recognized or designated
16 member of a legally organized volunteer fire depart-
17 ment and an officially recognized or designated pub-
18 lic employee member of a rescue squad or ambulance
19 crew;

20 “(4) the term ‘judicial officer’ means a judge or
21 other officer or employee of a court, including pros-
22 ecutors, court security, pretrial services officers,
23 court reporters, and corrections, probation, and pa-
24 role officers;

1 “(5) the term ‘law enforcement officer’ means
 2 an individual, with arrest powers, involved in crime
 3 or juvenile delinquency control or reduction or en-
 4 forcement of the laws;

5 “(6) the term ‘public agency’ includes a court
 6 system, the National Guard of a State to the extent
 7 the personnel of that National Guard are not in
 8 Federal service, and the defense forces of a State
 9 authorized by section 109 of title 32; and

10 “(7) the term ‘public safety officer’ means an
 11 individual serving a public agency in an official ca-
 12 pacity, as a law enforcement officer, as a firefighter,
 13 as a chaplain, or as a member of a rescue squad or
 14 ambulance crew.

15 “(b) OFFENSE.—It shall be unlawful for any person
 16 to—

17 “(1) kill, or attempt or conspire to kill—

18 “(A) a United States judge;

19 “(B) a Federal law enforcement officer; or

20 “(C) a federally funded public safety offi-
 21 cer while that officer is engaged in official du-
 22 ties, or on account of the performance of offi-
 23 cial duties; or

24 “(2) kill a former United States judge, Federal
 25 law enforcement officer, or federally funded public

1 safety officer on account of the past performance of
 2 official duties.

3 “(c) PENALTY.—

4 “(1) IN GENERAL.—Any person that violates
 5 subsection (b) shall be fined under this title and im-
 6 prisoned for not less than 10 years or for life, or,
 7 if death results, shall be sentenced to not less than
 8 30 years and not more than life, or may be punished
 9 by death.

10 “(2) ENHANCED PENALTY.—Any person that,
 11 in the commission of a violation of subsection (b),
 12 lures a public safety officer to a location for the pur-
 13 pose of killing, or attempting to kill, the public safe-
 14 ty officer shall, in addition to a penalty under para-
 15 graph (1), be fined under this title and imprisoned
 16 for not less than 5 years.”.

17 (2) TABLE OF SECTIONS.—The table of sections
 18 for chapter 51 of title 18, United States Code, is
 19 amended by adding at the end the following:

“1123. Killing of public safety officers.”.

20 (b) ASSAULT OF PUBLIC SAFETY OFFICERS.—

21 (1) OFFENSE.—Chapter 7 of title 18, United
 22 States Code, is amended by adding at the end the
 23 following:

24 **“§ 120. Assaults of public safety officers**

25 “(a) DEFINITIONS.—In this section—

1 “(1) the term ‘federally funded public safety of-
2 ficer’ means a public safety officer or judicial officer
3 for a public agency that—

4 “(A) receives Federal financial assistance;

5 and

6 “(B) is an agency of an entity that is a
7 State of the United States, the District of Co-
8 lumbia, the Commonwealth of Puerto Rico, the
9 Virgin Islands, Guam, American Samoa, the
10 Commonwealth of the Northern Mariana Is-
11 lands, or any territory or possession of the
12 United States, an Indian tribe, or a unit of
13 local government of that entity;

14 “(2) the term ‘firefighter’ includes an individual
15 serving as an officially recognized or designated
16 member of a legally organized volunteer fire depart-
17 ment and an officially recognized or designated pub-
18 lic employee member of a rescue squad or ambulance
19 crew;

20 “(3) the term ‘judicial officer’ means a judge or
21 other officer or employee of a court, including pros-
22 ecutors, court security, pretrial services officers,
23 court reporters, and corrections, probation, and pa-
24 role officers;

1 “(4) the term ‘law enforcement officer’ means
2 an individual, with arrest powers, involved in crime
3 or juvenile delinquency control or reduction or en-
4 forcement of the laws;

5 “(5) the term ‘public agency’ includes a court
6 system, the National Guard of a State to the extent
7 the personnel of that National Guard are not in
8 Federal service, and the defense forces of a State
9 authorized by section 109 of title 32; and

10 “(6) the term ‘public safety officer’ means an
11 individual serving a public agency in an official ca-
12 pacity, as a law enforcement officer, as a firefighter,
13 as a chaplain, or as a member of a rescue squad or
14 ambulance crew.

15 “(b) OFFENSE.—It shall be unlawful to assault, or
16 attempt to assault, a federally funded public safety officer
17 while engaged in or on account of the performance of offi-
18 cial duties, or assaults any person who formerly served as
19 a federally funded public safety officer on account of the
20 performance of such person’s official duties during such
21 service, or because of the actual or perceived status of the
22 person as a federally funded public safety officer.

23 “(c) PENALTY.—

1 “(1) IN GENERAL.—Any person that violates
2 subsection (b) shall be subject to a fine under this
3 title and—

4 “(A) if the assault resulted in bodily injury
5 (as defined in section 1365), shall be impris-
6 oned not less than 2 years and not more than
7 10 years;

8 “(B) if the assault resulted in substantial
9 bodily injury (as defined in section 113), shall
10 be imprisoned not less than 5 years and not
11 more than 20 years;

12 “(C) if the assault resulted in serious bod-
13 ily injury (as defined in section 1365), shall be
14 imprisoned for not less than 10 years;

15 “(D) if a deadly or dangerous weapon was
16 used during and in relation to the assault, shall
17 be imprisoned for not less than 20 years; and

18 “(E) shall be imprisoned for not more than
19 1 year in any other case.

20 “(2) ENHANCED PENALTY.—Any person that,
21 in the commission of a violation of subsection (b),
22 lures a public safety officer to a location for the pur-
23 pose of assaulting, or attempting to assault, the pub-
24 lic safety officer shall, in addition to a penalty under

1 paragraph (1), be fined under this title and impris-
2 oned for not less than 5 years.”.

3 (2) TABLE OF SECTIONS.—The table of sections
4 for chapter 7 of title 18, United States Code, is
5 amended by adding at the end the following:

“120. Assaults of public safety officers.”.

