

115TH CONGRESS
2D SESSION

H. R. 4935

To amend title 18, United States Code, to provide a penalty for assault against journalists, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2018

Mr. SWALWELL of California (for himself, Mr. COHEN, Mr. CICILLINE, Mrs. NAPOLITANO, Ms. NORTON, Mr. CARSON of Indiana, Mrs. DINGELL, Mr. SOTO, Mr. KHANNA, Mr. SERRANO, Mr. RUSH, Ms. MAXINE WATERS of California, and Ms. MOORE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide a penalty for assault against journalists, 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 “Journalist Protection
5 Act”.

6 **SEC. 2. ASSAULT AGAINST JOURNALISTS.**

7 (a) IN GENERAL.—Chapter 7 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

1 **“§ 120. Assault against journalists**

2 “(a) IN GENERAL.—Whoever, in or affecting inter-
3 state or foreign commerce, intentionally commits, or at-
4 tempts to commit—

5 “(1) an act described in subsection (b) shall be
6 fined under this title or imprisoned not more than
7 3 years, or both; or

8 “(2) an act described in subsection (c) shall be
9 fined under this title or imprisoned not more than
10 6 years, or both.

11 “(b) BODILY INJURY TO A JOURNALIST.—An act de-
12 scribed in this subsection is an act that causes a bodily
13 injury to an individual—

14 “(1) who is a journalist;

15 “(2) committed with knowledge or reason to
16 know such individual is a journalist; and

17 “(3) committed—

18 “(A) while such journalist is taking part in
19 newsgathering; or

20 “(B) with the intention of intimidating or
21 impeding newsgathering by such journalist.

22 “(c) SERIOUS BODILY INJURY TO A JOURNALIST.—
23 An act described in this subsection is an act that causes
24 a serious bodily injury to an individual—

25 “(1) who is a journalist;

1 “(2) committed with knowledge or reason to
2 know such individual is a journalist; and

3 “(3) committed—

4 “(A) while such journalist is taking part in
5 newsgathering; or

6 “(B) with the intention of intimidating or
7 impeding newsgathering by such journalist.

8 “(d) DEFINITIONS.—For purposes of this section:

9 “(1) BODILY INJURY.—The term ‘bodily injury’
10 has the meaning given such term in section
11 1365(h)(4) of this title.

12 “(2) JOURNALIST.—The term ‘journalist’
13 means an individual who—

14 “(A) is an employee, independent con-
15 tractor, or agent of an entity or service that
16 disseminates news or information—

17 “(i) by means of a newspaper, nonfic-
18 tion book, wire service, news agency, news
19 website, mobile application or other news
20 or information service (whether distributed
21 digitally or otherwise), news program,
22 magazine, or other periodical (whether in
23 print, electronic, or other format); or

24 “(ii) through television broadcast,
25 radio broadcast, multichannel video pro-

gramming distributor (as such term is defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13))), or motion picture for public showing; and

“(B) with the primary intent to investigate events or procure material in order to disseminate to the public news or information concerning local, national, or international events or other matters of public interest, engages in newsgathering.

“(3) NEWSGATHERING.—The term ‘newsgathering’ means engaging in the regular gathering, preparation, collection, photographing, recording, writing, editing, reporting, or publishing concerning local, national, or international events or other matters of public interest.

“(4) SERIOUS BODILY INJURY.—The term ‘serious bodily injury’ has the meaning given such term in section 1365(h)(3) of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 18, United States Code, is amended by adding at the end the following:

“120. Assault against journalists.”.

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