

119TH CONGRESS
1ST SESSION

S. 3366

To protect law enforcement officers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 4, 2025

Mr. CORNYN (for himself, Mr. BANKS, Mr. BARRASSO, Mrs. BLACKBURN, Mr. BOOZMAN, Mrs. BRITT, Mr. BUDD, Mrs. CAPITO, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Ms. ERNST, Mrs. FISCHER, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGERTY, Mrs. HYDE-SMITH, Mr. JUSTICE, Mr. KENNEDY, Mr. LEE, Ms. LUMMIS, Mr. MARSHALL, Mr. MCCORMICK, Mr. MULLIN, Mr. RICKETTS, Mr. RISCH, Mr. ROUNDS, Mr. SCOTT of Florida, Mr. SHEEHY, Mr. TUBERVILLE, Mr. YOUNG, Mr. CASSIDY, Mr. LANKFORD, Mr. SCOTT of South Carolina, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To protect law enforcement officers, 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 “Back the Blue Act
5 of 2025”.

6 **SEC. 2. PROTECTION OF LAW ENFORCEMENT OFFICERS.**

7 (a) KILLING OF LAW ENFORCEMENT OFFICERS.—

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

4 **“§ 1123. Killing of law enforcement officers**

5 “(a) DEFINITIONS.—In this section—

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

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

12 “(A) receives Federal financial assistance;
13 and

14 “(B) is an agency of an entity that is a
15 State of the United States, the District of Co-
16 lumbia, the Commonwealth of Puerto Rico, the
17 Virgin Islands, Guam, American Samoa, the
18 Commonwealth of the Northern Mariana Is-
19 lands, any other territory or possession of the
20 United States, or an Indian tribe, or a unit of
21 local government of such entity;

22 “(3) the term ‘firefighter’ includes an individual
23 serving as an official recognized or designated mem-
24 ber of a legally organized volunteer fire department

1 and an officially recognized or designated public em-
2 ployee member of a rescue squad or ambulance crew;

3 “(4) the term ‘judicial officer’ means a judge or
4 other officer or employee of a court, including pros-
5 ecutors, court security, pretrial services officers,
6 court reporters, and corrections, probation, and pa-
7 role officers;

8 “(5) the term ‘law enforcement officer’ means
9 an individual authorized by law to engage in or su-
10 pervise the enforcement, prevention, detection, inves-
11 tigation, arrest, apprehension, prosecution, or incar-
12 ceration of any person for any violation of criminal
13 law;

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

19 “(7) the term ‘public safety officer’ means an
20 individual serving a public agency in an official ca-
21 pacity, as a law enforcement officer, as a firefighter,
22 as a chaplain, or as a member of a rescue squad or
23 ambulance crew.

24 “(b) OFFENSE.—It shall be unlawful for any person
25 to—

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

2 “(A) a United States judge;

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

4 “(C) a federally funded public safety offi-

5 cer while that officer is engaged in official du-

6 ties, or on account of the performance of offi-

7 cial duties; or

8 “(2) kill a former United States judge, Federal

9 law enforcement officer, or federally funded public

10 safety officer on account of the past performance of

11 official duties.

12 “(c) PENALTY.—Any person that violates subsection

13 (b) shall be fined under this title and imprisoned for not

14 less than 10 years or for life, or, if death results, shall

15 be sentenced to not less than 30 years and not more than

16 life, or may be punished by death.”.

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 law enforcement officers.”.

20 (b) ASSAULT OF LAW ENFORCEMENT OFFICERS.—

21 (1) OFFENSE.—Chapter 7 of title 18, United

22 States Code, is amended by adding at the end the

23 following:

1 **“SEC. 120. ASSAULTS OF LAW ENFORCEMENT OFFICERS.**

2 “(a) DEFINITION.—In this section, the term ‘feder-
3 ally funded State or local law enforcement officer’ means
4 an individual involved in the enforcement, prevention, de-
5 tection, investigation, arrest, apprehension, prosecution, or
6 incarceration of any person for any violation of criminal
7 law (including a police, corrections, probation, or parole
8 officer) who works for a public agency (that receives Fed-
9 eral financial assistance) of a State of the United States
10 or the District of Columbia.

11 “(b) OFFENSE.—It shall be unlawful to assault a fed-
12 erally funded State or local law enforcement officer while
13 engaged in or on account of the performance of official
14 duties, or assault any person who formerly served as a
15 federally funded State or local law enforcement officer on
16 account of the performance of such person’s official duties
17 during such service, or because of the actual or perceived
18 status of the person as a federally funded State or local
19 law enforcement officer.

20 “(c) PENALTY.—Any person who violates subsection
21 (b) shall be subject to a fine under this title and—

22 “(1) if the assault resulted in bodily injury (as
23 defined in section 1365), shall be imprisoned not less
24 than 2 years and not more than 10 years;

25 “(2) if the assault resulted in substantial bodily
26 injury (as defined in section 113), shall be impris-

1 oned not less than 5 years and not more than 20
2 years;

3 “(3) if the assault resulted in serious bodily in-
4 jury (as defined in section 1365), shall be impris-
5 oned for not less than 10 years;

6 “(4) if a deadly or dangerous weapon was used
7 during and in relation to the assault, shall be im-
8 prisoned for not less than 20 years; and

9 “(5) shall be imprisoned for not more than 1
10 year in any other case.

11 “(d) CERTIFICATION REQUIREMENT.—

12 “(1) IN GENERAL.—No prosecution of any of-
13 fense described in this section may be undertaken by
14 the United States, except under the certification in
15 writing of the Attorney General, or a designee,
16 that—

17 “(A) the State does not have jurisdiction;

18 “(B) the State has requested that the Fed-
19 eral Government assume jurisdiction; or

20 “(C) a prosecution by the United States is
21 in the public interest and necessary to secure
22 substantial justice, as determined by the Attor-
23 ney General, based on—

24 “(i) the verdict or sentence obtained
25 pursuant to State charges;

1 “(ii) the extent of planning and
2 premeditation involved in the offense;

3 “(iii) the intended outcome of the con-
4 duct;

5 “(iv) the disregard for human life, in-
6 cluding collateral damage to unintended
7 victims, involved in the offense; and

8 “(v) the benefit to public safety from
9 Federal prosecution.

10 “(2) RULE OF CONSTRUCTION.—Nothing in
11 this subsection shall be construed to limit the au-
12 thority of Federal officers, or a Federal grand jury,
13 to investigate possible violations of this section.

14 “(e) STATUTE OF LIMITATIONS.—

15 “(1) OFFENSES NOT RESULTING IN DEATH.—
16 Except as provided in paragraph (2), no person shall
17 be prosecuted, tried, or punished for any offense
18 under this section unless the indictment for such of-
19 fense is found, or the information for such offense
20 is instituted, not later than 7 years after the date
21 on which the offense was committed.

22 “(2) OFFENSES RESULTING IN DEATH.—An in-
23 dictment or information alleging that an offense
24 under this section resulted in death may be found or
25 instituted at any time without limitation.”.

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

“120. Assaults of law enforcement officers.”.

4 (c) FLIGHT TO AVOID PROSECUTION FOR KILLING
 5 LAW ENFORCEMENT OFFICIALS.—

6 (1) OFFENSE.—Chapter 49 of title 18, United
 7 States Code, is amended by adding at the end the
 8 following:

9 **“§ 1075. Flight to avoid prosecution for killing law**
 10 **enforcement officials**

11 “(a) OFFENSE.—It shall be unlawful for any person
 12 to move or travel in interstate or foreign commerce with
 13 intent to avoid prosecution, or custody or confinement
 14 after conviction, under the laws of the place from which
 15 the person flees or under section 1114 or 1123, for a crime
 16 consisting of the killing, an attempted killing, or a con-
 17 spiracy to kill a Federal judge or Federal law enforcement
 18 officer (as those terms are defined in section 115), or a
 19 federally funded public safety officer (as that term is de-
 20 fined in section 1123).

21 “(b) PENALTY.—Any person that violates subsection
 22 (a) shall be fined under this title and imprisoned for not
 23 less than 10 years, in addition to any other term of impris-
 24 onment for any other offense relating to the conduct de-
 25 scribed in subsection (a).”.

1 (2) TABLE OF SECTIONS.—The table of sections
 2 for chapter 49 of title 18, United States Code, is
 3 amended by adding at the end the following:

“1075. Flight to avoid prosecution for killing law enforcement officials.”.

4 **SEC. 3. SPECIFIC AGGRAVATING FACTOR FOR FEDERAL**
 5 **DEATH PENALTY KILLING OF LAW ENFORCE-**
 6 **MENT OFFICER.**

7 (a) AGGRAVATING FACTORS FOR HOMICIDE.—Sec-
 8 tion 3592(c) of title 18, United States Code, is amended
 9 by inserting after paragraph (16) the following:

10 “(17) KILLING OF A LAW ENFORCEMENT OFFI-
 11 CER, PROSECUTOR, JUDGE, OR FIRST RESPONDER.—
 12 The defendant killed or attempted to kill a person
 13 who is authorized by law—

14 “(A) to engage in or supervise the preven-
 15 tion, detention, or investigation of any criminal
 16 violation of law;

17 “(B) to arrest, prosecute, or adjudicate an
 18 individual for any criminal violation of law; or

19 “(C) to be a firefighter or other first re-
 20 sponder.”.

21 **SEC. 4. LIMITATION ON FEDERAL HABEAS RELIEF FOR**
 22 **MURDERS OF LAW ENFORCEMENT OFFICERS.**

23 (a) JUSTICE FOR LAW ENFORCEMENT OFFICERS
 24 AND THEIR FAMILIES.—

1 (1) IN GENERAL.—Section 2254 of title 28,
2 United States Code, is amended by adding at the
3 end the following:

4 “(j)(1) For an application for a writ of habeas corpus
5 on behalf of a person in custody pursuant to the judgment
6 of a State court for a crime that involved the killing of
7 a public safety officer (as that term is defined in section
8 1204 of title I of the Omnibus Crime Control and Safe
9 Streets Act of 1968 (34 U.S.C. 10284)) or judge, while
10 the public safety officer or judge was engaged in the per-
11 formance of official duties, or on account of the perform-
12 ance of official duties by or status as a public safety officer
13 or judge—

14 “(A) the application shall be subject to the time
15 limitations and other requirements under sections
16 2263, 2264, and 2266; and

17 “(B) the court shall not consider claims relating
18 to sentencing that were adjudicated in a State court.

19 “(2) Sections 2251, 2262, and 2101 are the exclusive
20 sources of authority for Federal courts to stay a sentence
21 of death entered by a State court in a case described in
22 paragraph (1).”.

23 (2) RULES.—Rule 11 of the Rules Governing
24 Section 2254 Cases in the United States District
25 Courts is amended by adding at the end the fol-

1 lowing: “Rule 60(b)(6) of the Federal Rules of Civil
2 Procedure shall not apply to a proceeding under
3 these rules in a case that is described in section
4 2254(j) of title 28, United States Code.”.

5 (3) FINALITY OF DETERMINATION.—Section
6 2244(b)(3)(E) of title 28, United States Code, is
7 amended by striking “the subject of a petition” and
8 all that follows and inserting: “reheard in the court
9 of appeals or reviewed by writ of certiorari.”.

10 (4) EFFECTIVE DATE AND APPLICABILITY.—

11 (A) IN GENERAL.—This paragraph and the
12 amendments made by this paragraph shall
13 apply to any case pending on or after the date
14 of enactment of this Act.

15 (B) TIME LIMITS.—In a case pending on
16 the date of enactment of this Act, if the amend-
17 ments made by this paragraph impose a time
18 limit for taking certain action, the period of
19 which began before the date of enactment of
20 this Act, the period of such time limit shall
21 begin on the date of enactment of this Act.

22 (C) EXCEPTION.—The amendments made
23 by this paragraph shall not bar consideration
24 under section 2266(b)(3)(B) of title 28, United
25 States Code, of an amendment to an application

1 for a writ of habeas corpus that is pending on
 2 the date of enactment of this Act, if the amend-
 3 ment to the petition was adjudicated by the
 4 court prior to the date of enactment of this Act.

5 **SEC. 5. LIMITATION ON RECOVERY OF CERTAIN DAMAGES**
 6 **FOR INDIVIDUALS ENGAGED IN FELONIES OR**
 7 **CRIMES OF VIOLENCE.**

8 (a) IN GENERAL.—Section 1979 of the Revised Stat-
 9 utes (42 U.S.C. 1983) is amended by striking “except that
 10 in any action” and all that follows through “For pur-
 11 poses” and inserting the following: “except that—

12 “(1) in any action brought against a judicial of-
 13 ficer for an act or omission taken in the judicial ca-
 14 pacity of that officer, injunctive relief shall not be
 15 granted unless a declaratory decree was violated or
 16 declaratory relief was unavailable; and

17 “(2) in any action seeking redress for any dep-
 18 rivation that was incurred in the course of, or as a
 19 result of, or is related to, conduct by the injured
 20 party that, more likely than not, constituted a felony
 21 or a crime of violence (as that term is defined in sec-
 22 tion 16 of title 18, United States Code) (including
 23 any deprivation in the course of arrest or apprehen-
 24 sion for, or the investigation, prosecution, or adju-
 25 dication of, such an offense), a court may not award

1 damages other than for necessary out-of-pocket ex-
2 penditures and other monetary loss.

3 For purposes”.

4 (b) ATTORNEY’S FEES.—Section 722(b) of the Re-
5 vised Statutes (42 U.S.C. 1988(b)) is amended by striking
6 “except that in any action” and all that follows and insert-
7 ing the following: “except that—

8 “(1) in any action brought against a judicial of-
9 ficer for an act or omission taken in the judicial ca-
10 pacity of that officer, such officer shall not be held
11 liable for any costs, including attorneys fees, unless
12 such action was clearly in excess of the jurisdiction
13 of that officer; and

14 “(2) in any action seeking redress for any dep-
15 rivation that was incurred in the course of, or as a
16 result of, or is related to, conduct by the injured
17 party that, more likely than not, constituted a felony
18 or a crime of violence (as that term is defined in sec-
19 tion 16 of title 18, United States Code) (including
20 any deprivation in the course of arrest or apprehen-
21 sion for, or the investigation, prosecution, or adju-
22 dication of, such an offense), the court may not
23 allow such party to recover attorney’s fees.”.

1 **SEC. 6. SELF-DEFENSE RIGHTS FOR LAW ENFORCEMENT**
2 **OFFICERS.**

3 (a) IN GENERAL.—Chapter 203 of title 18, United
4 States Code, is amended by inserting after section 3053
5 the following:

6 **“§ 3054. Authority of law enforcement officers to**
7 **carry firearms**

8 “Any sworn officer, agent, or employee of the United
9 States, a State, or a political subdivision thereof, who is
10 authorized by law to engage in or supervise the prevention,
11 detection, investigation, or prosecution of any violation of
12 law, or to supervise or secure the safety of incarcerated
13 inmates, may carry firearms if authorized by law to do
14 so. Such authority to carry firearms, with respect to the
15 lawful performance of the official duties of a sworn officer,
16 agent, or employee of a State or a political subdivision
17 thereof, shall include possession incident to depositing a
18 firearm within a secure firearms storage area for use by
19 all persons who are authorized to carry a firearm within
20 any building or structure classified as a Federal facility
21 or Federal court facility, as those terms are defined under
22 section 930, and any grounds appurtenant to such a facil-
23 ity.”.

24 (b) CARRYING OF CONCEALED FIREARMS BY QUALI-
25 FIED LAW ENFORCEMENT OFFICERS.—Section

1 926B(e)(2) of title 18, United States Code, is amended
 2 by inserting “any magazine and” after “includes”.

3 (c) CARRYING OF CONCEALED FIREARMS BY QUALI-
 4 FIED RETIRED LAW ENFORCEMENT OFFICERS.—Section
 5 926C(e)(1)(B) of title 18, United States Code, is amended
 6 by inserting “any magazine and” after “includes”.

7 (d) SCHOOL ZONES.—Section 922(q)(2)(B)(vi) title
 8 18, United States Code, is amended by inserting “, a
 9 qualified law enforcement officer (as defined in section
 10 926B), or a qualified retired law enforcement officer (as
 11 defined in section 926C)” before the semicolon.

12 (e) REGULATIONS REQUIRED.—Not later than 60
 13 days after the date of enactment of this Act, the Attorney
 14 General shall promulgate regulations allowing persons de-
 15 scribed in section 3054 of title 18, United States Code,
 16 to possess firearms in a manner described by that section.
 17 With respect to Federal justices, judges, bankruptcy
 18 judges, and magistrate judges, such regulations shall be
 19 prescribed after consultation with the Judicial Conference
 20 of the United States.

21 (f) TABLE OF SECTIONS.—The table of sections for
 22 chapter 203 of title 18, United States Code, is amended
 23 by inserting after the item relating to section 3053 the
 24 following:

“3054. Authority of law enforcement officers to carry firearms.”.

1 (g) FURTHER AMENDMENTS.—Section 930 of title
2 18, United States Code, is amended—

3 (1) in subsection (d)—

4 (A) in paragraph (2), by striking “or” at
5 the end;

6 (B) in paragraph (3), by striking the pe-
7 riod at the end and inserting “; or”; and

8 (C) by adding at the end the following:

9 “(4) the possession of a firearm or ammunition
10 in a Facility Security Level I or II civilian public ac-
11 cess facility by a qualified law enforcement officer
12 (as defined in section 926B(c)) or a qualified retired
13 law enforcement officer (as defined in section
14 926C(c)).”; and

15 (2) in subsection (g), by adding at the end the
16 following:

17 “(4) The term ‘Facility Security Level’ means
18 a security risk assessment level assigned to a Fed-
19 eral facility by the security agency of the facility in
20 accordance with the biannually issued Interagency
21 Security Committee Standard.

22 “(5) The term ‘civilian public access facility’
23 means a facility open to the general public.”.

○