

105TH CONGRESS
1ST SESSION

S. 1189

To increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 1997

Mr. SMITH of Oregon (for himself and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, 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 “Federal Judiciary Pro-
5 tection Act of 1997”.

6 **SEC. 2. ASSAULTING, RESISTING, OR IMPEDING CERTAIN**
7 **OFFICERS OR EMPLOYEES.**

8 Section 111 of title 18, United States Code, is
9 amended—

1 (1) in subsection (a), by striking “three” and
2 inserting “8”; and

3 (2) in subsection (b), by striking “ten” and in-
4 serting “20”.

5 **SEC. 3. INFLUENCING, IMPEDING, OR RETALIATING**
6 **AGAINST A FEDERAL OFFICIAL BY THREAT-**
7 **ENING OR INJURING A FAMILY MEMBER.**

8 Section 115(b)(4) of title 18, United States Code, is
9 amended—

10 (1) by striking “five” and inserting “10”; and

11 (2) by striking “three” and inserting “6”.

12 **SEC. 4. MAILING THREATENING COMMUNICATIONS.**

13 Section 876 of title 18, United States Code, is
14 amended—

15 (1) by designating the first 4 undesignated
16 paragraphs as subsections (a) through (d), respec-
17 tively;

18 (2) in subsection (e), as so designated, by add-
19 ing at the end the following: “If such a communica-
20 tion is addressed to a United States judge, a Fed-
21 eral law enforcement officer, or an official who is
22 covered by section 1114, the individual shall be fined
23 under this title, imprisoned not more than 10 years,
24 or both.”; and

1 (3) in subsection (d), as so designated, by add-
2 ing at the end the following: “If such a communica-
3 tion is addressed to a United States judge, a Fed-
4 eral law enforcement officer, or an official who is
5 covered by section 1114, the individual shall be fined
6 under this title, imprisoned not more than 10 years,
7 or both.”.

8 **SEC. 5. AMENDMENT OF THE SENTENCING GUIDELINES**
9 **FOR ASSAULTS AND THREATS AGAINST FED-**
10 **ERAL JUDGES AND CERTAIN OTHER FED-**
11 **ERAL OFFICIALS AND EMPLOYEES.**

12 (a) **IN GENERAL.**—Pursuant to its authority under
13 section 994 of title 28, United States Code, the United
14 States Sentencing Commission shall review and amend the
15 Federal sentencing guidelines and the policy statements
16 of the commission, if appropriate, to provide an appro-
17 priate sentencing enhancement for offenses involving in-
18 fluencing, assaulting, resisting, impeding, retaliating
19 against, or threatening a Federal judge, magistrate judge,
20 or any other official described in section 111 or 115 of
21 title 18, United States Code.

22 (b) **FACTORS FOR CONSIDERATION.**—In carrying out
23 this section, the United States Sentencing Commission
24 shall consider, with respect to each offense described in
25 subsection (a)—

- 1 (1) any expression of congressional intent re-
2 garding the appropriate penalties for the offense;
- 3 (2) the range of conduct covered by the offense;
- 4 (3) the existing sentences for the offense;
- 5 (4) the extent to which sentencing enhance-
6 ments within the Federal sentencing guidelines and
7 the court's authority to impose a sentence in excess
8 of the applicable guideline range are adequate to en-
9 sure punishment at or near the maximum penalty
10 for the most egregious conduct covered by the of-
11 fense;
- 12 (5) the extent to which Federal sentencing
13 guideline sentences for the offense have been con-
14 strained by statutory maximum penalties;
- 15 (6) the extent to which Federal sentencing
16 guidelines for the offense adequately achieve the
17 purposes of sentencing as set forth in section
18 3553(a)(2) of title 18, United States Code;
- 19 (7) the relationship of Federal sentencing
20 guidelines for the offense to the Federal sentencing
21 guidelines for other offenses of comparable serious-
22 ness; and
- 23 (8) any other factors that the Commission con-
24 siders to be appropriate.

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