

106TH CONGRESS
2D SESSION

S. 3094

To amend titles 18 and 28, United States Code, to inhibit further intimidation of public officials within the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2000

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

A BILL

To amend titles 18 and 28, United States Code, to inhibit further intimidation of public officials within the United States, 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 “Public Officials Protec-
5 tion Act of 2000”.

6 **SEC. 2. ATTEMPTS TO INTERFERE WITH THE PERFORM-**
7 **ANCE OF A FEDERAL OFFICIAL’S DUTIES.**

8 (a) IN GENERAL.—Chapter 7 of title 18, United
9 States Code, is amended by inserting after section 111 the
10 following:

1 **“§ 111A. Attempts to interfere with the performance**
2 **of a Federal official’s duties**

3 “(a)(1) Whoever corruptly or by force or threat of
4 force (including any threatening letter or communication)
5 intimidates or endeavors to intimidate any officer or em-
6 ployee, described in section 1114 of this title, engaged in
7 or on account of the performance of that officer or employ-
8 ee’s official duties, or in any other way corruptly or by
9 force or threat of force (including any threatening commu-
10 nication) obstructs or impedes, or endeavors to obstruct
11 or impede, the performance of such officer’s or employee’s
12 official duties, shall be fined under this title or imprisoned
13 for not more than 5 years, or both.

14 “(2) In the case of an offense under this subsection
15 which was committed after the defendant had previously
16 been convicted of an earlier offense under this subsection,
17 the defendant shall be fined under this title or imprisoned
18 for not more than 10 years, or both.

19 “(3) The term ‘force’, as used in this subsection, in-
20 cludes force directed at the person or property of an offi-
21 cer or employee described in section 1114 of this title, and
22 force directed at the person or property of an immediate
23 family member of such officer or employee as defined in
24 section 115(c)(2) of this title.

25 “(b) Whoever, within the United States, files, or en-
26 deavors to file, in any public record, or in any private

1 record which is generally available to the public, any lien,
2 encumbrance, or other document that creates, or attempts
3 to create, a cloud on the title of any real or personal prop-
4 erty belonging in whole or in part to any officer or em-
5 ployee described in section 1114 of this title with intent
6 to intimidate, obstruct, or impede such officer or employee
7 in the performance of such officer's or employee's official
8 duties, or with intent to retaliate against such officer or
9 employee on account of the performance of such duties,
10 and knowing or having reason to know that such lien, en-
11 cumbrance, or other document is frivolous under Federal
12 or State law shall be fined under this title or imprisoned
13 for not more than 5 years, or both. In the case of an of-
14 fense under this subsection which was committed after the
15 defendant had previously been convicted of an earlier of-
16 fense under this subsection, the defendant shall be fined
17 under this title or imprisoned for not more than 10 years,
18 or both.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 7 of title 18, United States
21 Code, is amended by inserting after the item relating to
22 section 111 the following new item:

“111A. Attempts to interfere with the performance of a Federal official's du-
ties.”.

1 **SEC. 3. ADDITIONAL PENALTY FOR FILING A FRIVOLOUS**
2 **SUIT AGAINST AN OFFICER OR EMPLOYEE OF**
3 **THE UNITED STATES OR OF A STATE OR PO-**
4 **LITICAL SUBDIVISION THEREOF.**

5 (a) IN GENERAL.—Chapter 163 of title 28, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 2466. Additional penalty for filing a frivolous civil**
9 **suit against an officer or employee of the**
10 **United States or of any agency of a State**
11 **or political subdivision thereof**

12 “In addition to any other remedy provided by law,
13 should the court find that any civil action brought person-
14 ally against any officer or employee described in section
15 1114 of title 18, United States Code, or any officer or
16 employee of any agency of a State, or political subdivision
17 thereof, is frivolous and was brought with intent to intimi-
18 date or obstruct such officer or employee in the perform-
19 ance of such officer’s or employee’s official duties, or with
20 intent to retaliate against such officer or employee on ac-
21 count of the performance of such duties, the court shall,
22 besides dismissing such action, assess against the party
23 making such claim a civil penalty payable to the United
24 States of not less than \$2,500 or more than \$25,000.”.

25 (b) CLERICAL AMENDMENT.—The table of sections
26 at the beginning of chapter 163 of title 28, United States

1 Code, is amended by adding at the end the following new
2 item:

“2466. Additional penalty for filing a frivolous civil suit against an officer or
employee of the United States or of any agency of a State or
political subdivision thereof.”.

3 **SEC. 4. ATTEMPTS TO INTERFERE WITH THE PERFORM-**
4 **ANCE OF A STATE OFFICIAL’S DUTIES.**

5 (a) IN GENERAL.—Chapter 73 of title 18, United
6 States Code, is amended by inserting after section 1518
7 the following:

8 **“§ 1519. Attempts to interfere with the performance**
9 **of a State official’s duties**

10 “(a) Whoever in a circumstance described in sub-
11 section (b)—

12 “(1) files, or endeavors to file, in any public
13 record, or in any private record which is generally
14 available to the public, any lien, encumbrance, or
15 other document that creates, or attempts to create,
16 a cloud on the title of any real or personal property
17 belonging in whole or in part to any officer or em-
18 ployee of any agency of a State, or political subdivi-
19 sion thereof, with intent to intimidate, obstruct, or
20 impede such officer or employee in the performance
21 of such officer’s or employee’s official duties, or with
22 intent to retaliate against such officer or employee
23 on account of the performance of such duties, and
24 knowing or having reason to know that such lien,

1 encumbrance, or other document is frivolous under
2 Federal or State law; or

3 “(2) corruptly or by force or threat of force (in-
4 cluding any threatening letter or communication) in-
5 timidates or endeavors to intimidate any officer or
6 employee of any agency of a State, or political sub-
7 division thereof, engaged in or on account of the per-
8 formance of his official duties, or in any other way
9 corruptly or by force or threat of force (including
10 any threatening communication), obstructs or im-
11 pedes, or endeavors to obstruct or impede, the per-
12 formance of such officer’s or employee’s official du-
13 ties,

14 shall be fined under this title or imprisoned for not more
15 than 5 years, or both; and if serious bodily injury results,
16 shall be so fined or imprisoned for not more than 10 years,
17 or both; and if death results, shall in addition to any fine
18 under this title, also be subject to the death penalty or
19 to imprisonment for any term of years or to life. In the
20 case of an offense under this subsection which was com-
21 mitted after the defendant had previously been convicted
22 of an earlier offense under this subsection, the defendant
23 shall be fined under this title or imprisoned for not more
24 than 10 years, or both; and if serious bodily injury results,
25 shall be so fined or imprisoned for not more than 20 years,

1 or both; and if death results, shall in addition to any fine
2 under this title, also be subject to the death penalty or
3 to imprisonment for any term of years or to life.

4 “(b) The circumstances referred to in subsection (a)
5 are—

6 “(1) the mail or any facility of interstate or for-
7 eign commerce is used in furtherance of the offense;

8 “(2) any offender travels in or causes another
9 to travel in interstate or foreign commerce in fur-
10 therance of the offense; or

11 “(3) the offense obstructs, delays, or otherwise
12 affects interstate or foreign commerce, or would
13 have so obstructed, delayed, or affected interstate or
14 foreign commerce if the offense had been con-
15 summated.

16 “(c) DEFINITIONS.—As used in this section—

17 “(1) the term ‘State’ includes a State of the
18 United States, the District of Columbia, a common-
19 wealth, territory, or possession of the United States;

20 “(2) the term ‘force’ includes force directed at
21 the person or property of an officer or employee of
22 any agency of a State, or political subdivision there-
23 of, and force directed at the person or property of
24 an immediate family member of such officer or em-
25 ployee;

1 “(3) the term ‘serious bodily injury’ has the
2 meaning given that term in section 2119 of this
3 title; and

4 “(4) the term ‘immediate family member’ has
5 the meaning given that term in section 115(c)(2) of
6 this title.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of chapter 73 of title 18, United States
9 Code, is amended by adding at the end the following new
10 item:

“1519. Attempts to interfere with the performance of a State official’s duties.”.

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