

109TH CONGRESS
1ST SESSION

H. R. 2194

To amend title 18, United States Code, to provide additional protections for law enforcement officers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2005

Mr. DANIEL E. LUNGREN of California introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide additional protections for 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 “Law Enforcement Pro-
5 tection Act of 2005”.

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

7 (a) ASSAULTS.—

8 (1) FEDERAL LAW ENFORCEMENT OFFICERS.—

9 Section 111 of title 18, United States Code, is
10 amended by adding at the end the following:

1 “(c) ALTERNATE PENALTY WHERE VICTIM IS A LAW
2 ENFORCEMENT OFFICER.—If the offense is an assault
3 and the victim of the offense under this section is a law
4 enforcement officer (as defined in section 115), in lieu of
5 the penalties otherwise set forth in this section, the of-
6 fender shall be subject to a fine under this title and—

7 “(1) if the assault resulted in bodily injury (as
8 defined in section 1365), shall be imprisoned not less
9 than one nor more than 10 years;

10 “(2) if the assault resulted in substantial bodily
11 injury (as defined in section 113), shall be impris-
12 oned not less than 3 nor more than 12 years;

13 “(3) if the assault resulted in serious bodily in-
14 jury (as defined in section 1365), shall be impris-
15 oned not less than 5 nor more than 15 years;

16 “(4) if a deadly or dangerous weapon was used
17 during and in relation to the assault, shall be im-
18 prisoned not less than 5 nor more than 20 years;
19 and

20 “(5) shall be subject to imprisonment for not
21 more than 1 year in any other case.”.

22 (2) FEDERALLY FUNDED STATE AND LOCAL
23 LAW ENFORCEMENT OFFICERS.—

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

4 **“§ 117. Protection of federally funded State and local**
5 **law enforcement officers**

6 “(a) Whoever assaults a Federally funded State or
7 local law enforcement officer while engaged in or on ac-
8 count of the performance of official duties, or assaults any
9 person who formerly served as a Federally funded State
10 or local law enforcement officer on account of the perform-
11 ance of such person’s official duties during such service
12 shall be subject to a fine under this title and—

13 “(1) if the assault resulted in bodily injury (as
14 defined in section 1365), shall be imprisoned not less
15 than one nor more than 10 years;

16 “(2) if the assault resulted in substantial bodily
17 injury (as defined in section 113), shall be impris-
18 oned not less than 3 nor more than 12 years;

19 “(3) if the assault resulted in serious bodily in-
20 jury (as defined in section 1365), shall be impris-
21 oned not less than 5 nor more than 15 years;

22 “(4) if a deadly or dangerous weapon was used
23 during and in relation to the assault, shall be im-
24 prisoned not less than 5 nor more than 20 years;
25 and

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

3 “(b) As used in this section, the term ‘Federally fund-
4 ed State or local law enforcement officer’ means an indi-
5 vidual involved in crime and juvenile delinquency control
6 or reduction, or enforcement of the laws (including a po-
7 lice, corrections, probation, or parole officer) who works
8 for a public agency (that receives Federal financial assist-
9 ance) of a State of the United States or the District of
10 Columbia.”.

11 (B) CLERICAL AMENDMENT.—The table of
12 sections at the beginning of chapter 7 of title
13 18, United States Code, is amended by adding
14 at the end the following new item:

 “117. Federally funded State and local law enforcement officers.”.

15 (b) KILLINGS AND ATTEMPTS AND CONSPIRACIES TO
16 KILL.—

17 (1) KILLINGS AND ATTEMPTED KILLINGS OF
18 FEDERAL LAW ENFORCEMENT OFFICERS.—Section
19 1114 of title 18, United States Code, is amended—

20 (A) by inserting “(a)” before “Whoever”;
21 and

22 (B) by adding at the end the following:

23 “(b) ALTERNATE PENALTY WHERE VICTIM IS A
24 LAW ENFORCEMENT OFFICER.—If the victim of the of-
25 fense under this section is a law enforcement officer (as

1 defined in section 115), in lieu of the penalties otherwise
2 set forth in this section, if the offense is described below,
3 the offender shall be fined under this title and—

4 “(1) if the offense is murder in the first degree,
5 shall be punished by death or by imprisonment for
6 life;

7 “(2) if the offense is murder in the second de-
8 gree, shall be punished by imprisonment for any
9 term of years not less than 30, or for life;

10 “(3) if the offense is voluntary manslaughter,
11 shall be imprisoned not more than 20 years;

12 “(4) if the offense is involuntary manslaughter,
13 shall be imprisoned not more than 10 years; and

14 “(5) if the offense is attempted murder, shall be
15 imprisoned for any term of years not less than 25
16 years, or for life.”.

17 (2) NEW OFFENSE RELATING TO KILLINGS OF
18 FEDERALLY FUNDED LAW ENFORCEMENT OFFI-
19 CERS.—

20 (A) IN GENERAL.—Chapter 51 of title 18,
21 United States Code, is amended by adding at
22 the end the following:

23 **“§ 1123. Killings of federally funded State and local**
24 **law enforcement officers**

25 “(a) Whoever—

1 “(1) kills or attempts to kill a Federally funded
2 State or local law enforcement officer while engaged
3 in or on account of the performance of official duties
4 or

5 “(2) kills or attempts to kill any person who
6 formerly served as a Federally funded State or local
7 law enforcement officer on account of the perform-
8 ance of such person’s official duties during such
9 service;

10 shall, if the conduct constituting the offense is described
11 in subsection (b), be punished as provided in that sub-
12 section.

13 “(b) The punishment for an offense under subsection
14 (a) is a fine under this title and—

15 “(1) if the offense is murder in the first degree,
16 death or imprisonment for life;

17 “(2) if the offense is murder in the second de-
18 gree, imprisonment for any term of years not less
19 than 30, or for life;

20 “(3) if the offense is voluntary manslaughter,
21 imprisonment for not more than 20 years;

22 “(4) if the offense is involuntary manslaughter,
23 imprisonment for not more than 10 years; and

1 “(5) if the offense is attempted murder, impris-
2 onment for any term of years not less than 25 years,
3 or for life.

4 “(c) As used in this section, the term ‘federally fund-
5 ed law enforcement officer’ has the meaning given that
6 term in section 117 and the terms ‘murder in the first
7 degree’, ‘murder in the second degree’, ‘voluntary man-
8 slaughter’, and ‘involuntary manslaughter’ have the mean-
9 ings given those terms in sections 1111 and 1112.”.

10 (3) CONSPIRACIES TO KILL LAW ENFORCEMENT
11 OFFICERS.—Section 1117 of title 18, United States
12 Code, is amended—

13 (A) by striking “or 1119” and inserting “,
14 1119, or 1123”; and

15 (B) by adding at the end the following: “If
16 the object of the conspiracy is the murder of a
17 law enforcement officer that would violate sec-
18 tion 1114 or 1123, the term of imprisonment
19 imposed under this section shall be not less
20 than 25 years.”.

21 **SEC. 3. PROTECTION OF LAW ENFORCEMENT OFFICER**
22 **FAMILY MEMBERS.**

23 (a) MODIFICATION OF SECTION 115.—Section 115 of
24 title 18, United States Code is amended—

1 (1) in subsection (a)(1)(A), by inserting “a fed-
2 erally funded law enforcement officer (as defined in
3 section 117),” after “a Federal law enforcement offi-
4 cer,”; and

5 (2) by adding at the end of subsection (b) the
6 following:

7 “(5) In lieu of the punishments otherwise provided
8 by this subsection for offenses described in this paragraph,
9 if the victim of the offense under this subsection is an
10 immediate family member of a Federal law enforcement
11 officer or of a Federally funded law enforcement officer,
12 the punishments shall be as follows:

13 “(A) If the offense is an assault:

14 “(i) If the assault resulted in bodily injury
15 (as defined in section 1365), a term of impris-
16 onment for not less than 5 years nor more than
17 10 years.

18 “(ii) If the assault resulted in substantial
19 bodily injury (as defined in section 113), a term
20 of imprisonment for not less than 7 years nor
21 more than 12 years.

22 “(iii) If the assault resulted in serious bod-
23 ily injury (as defined in section 1365), a term
24 of imprisonment for not less than 10 years nor
25 more than 15 years.

1 “(iv) If a dangerous weapon was used dur-
2 ing and in relation to the offense, a term of im-
3 prisonment for not less than 10 years nor more
4 than 20 years.

5 “(B) If the offense is a kidnapping, attempted
6 kidnapping, or conspiracy to kidnap:

7 “(i) Except as provided in clause (ii), a
8 term of imprisonment for not less than 20 years
9 or for life and, if the death of any person re-
10 sults, death or imprisonment for life.

11 “(ii) If the kidnapping involves a minor
12 child as described in 18 U.S.C. 1201 (g)(1)(A),
13 and the offender is described by 18 U.S.C.
14 1201(g)(1)(B), the punishment for such offense
15 shall be a term of imprisonment for not less
16 than 25 years or for life and, if the death of
17 any person results, shall be punished by death
18 or imprisonment for life.

19 “(C) If the offense is a murder (as defined in
20 section 1111) or an attempt or conspiracy to mur-
21 der:

22 “(i) If the offense is murder in the first
23 degree, the murder shall be punished by death
24 or by imprisonment for life.

1 “(ii) If the offense is murder in the second
2 degree, the murder shall be punished by impris-
3 onment for any term of years not less than 30,
4 or for life.

5 “(iii) If the offense is attempted murder,
6 the attempt shall be punished by imprisonment
7 for any term of years not less than 25, or for
8 life.

9 “(D) If the offense is a threat to murder, the
10 threat shall be punished by imprisonment for a term
11 of not less than five years nor more than 12 years,
12 and if a threatened assault or kidnapping, by impris-
13 onment for not less than two years nor more than
14 ten years.”.

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