

110TH CONGRESS
1ST SESSION

H. R. 1149

To amend title 18, United States Code, to protect federally funded public safety officers.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2007

Mr. DREIER (for himself, Mr. SCHIFF, Mr. CALVERT, Mr. McKEON, Mr. HERGER, Mr. ISSA, Mrs. BONO, Mr. ROHRABACHER, Mr. GALLEGLY, and Mr. GARY G. MILLER 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 protect federally funded public safety officers.

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 “Justice for Public
5 Safety Officers Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) State and local prosecutors are the best
2 equipped prosecutors to prosecute crimes against
3 local and State peace officers.

4 (2) Cases involving the murder of local and
5 State peace officers and subsequent flight to avoid
6 prosecution in the United States implicate Federal
7 interests, and by providing Federal jurisdiction in
8 such cases the Federal Government will be able to
9 provide additional investigatory and prosecutorial re-
10 sources.

11 (3) The United States should use all reasonable
12 tools available to encourage foreign countries to
13 change their extradition policies so that the possi-
14 bility of capital punishment or life imprisonment will
15 not interfere with the timely extradition of fugitives
16 of the United States.

17 **SEC. 3. PROTECTION OF FEDERALLY FUNDED PUBLIC**
18 **SAFETY OFFICERS.**

19 (a) OFFENSE.—Chapter 51 of title 18, United States
20 Code, is amended by adding at the end the following:

21 **“§ 1123. Killing of federally funded or Federal law en-**
22 **forcement officers**

23 “(a) OFFENSE.—Whoever kills, or attempts or con-
24 spires to kill, a federally protected safety officer while that
25 officer is engaged in official duties, or on account of the

1 performance of official duties, or kills a former federally
2 protected safety officer on account of the past perform-
3 ance of official duties as such, shall be punished—

4 “(1) in the case of murder, as provided under
5 section 1111 but not less than 30 years;

6 “(2) in the case of attempted murder, as pro-
7 vided in section 1113 but not less than 15 years; or

8 “(3) in the case of manslaughter, as provided
9 under section 1112.

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

11 “(1) the term ‘federally protected safety officer’
12 means a public safety officer for a public agency (in-
13 cluding a court system, the National Guard or a
14 State to the extent the personnel of that National
15 Guard are not in Federal service, and the defense
16 forces of a State authorized by section 109 of title
17 32) if —

18 “(A) if the public agency receives, in any
19 one year period, funding, equipment, or benefits
20 in excess of \$10,000 under a Federal program
21 involving a grant, contract, subsidy, loan, guar-
22 antee, insurance, or other form of Federal as-
23 sistance, and the public agency is of an entity
24 that is a State of the United States, the Dis-
25 trict of Columbia, the Virgin Islands of the

1 United States, Guam, American Samoa, the
2 Trust Territory of the Pacific Islands, the Com-
3 monwealth of the Northern Mariana Islands, or
4 any territory or possession of the United States,
5 and Indian tribe, or a unit of local government
6 of that entity; or

7 “(B) the officer was at the time of the of-
8 fense, engaged in carrying out a program au-
9 thorized by Federal law or regulation that is ex-
10 ecuted in whole or in part by non-Federal pub-
11 lic safety officers;

12 “(2) the term ‘public safety officer’ means an
13 individual serving a public agency in an official ca-
14 pacity, as a judicial officer, as a law enforcement of-
15 ficer, as a firefighter, as a chaplain, or as a member
16 of a rescue squad or ambulance crew;

17 “(3) the term ‘judicial officer’ means a judge or
18 other officer or employee of a court, including pros-
19 ecutors, court security, pretrial services officers,
20 court reporters, and corrections, probation, and pa-
21 role officers;

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

1 ployee member of a rescue squad or ambulance crew;
2 and

3 “(5) the term ‘law enforcement officer’ means
4 an individual, with arrest powers, involved in crime
5 and juvenile delinquency control or reduction, or en-
6 forcement of the laws.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of chapter 51 of title 18, United States
9 Code, is amended by adding at the end the following new
10 item:

“1123. Killing of federally funded or Federal program public safety officers.”.

11 **SEC. 4. FLIGHT TO AVOID PROSECUTION FOR KILLING FED-**
12 **ERALLY FUNDED PUBLIC SAFETY OFFICERS.**

13 (a) FLIGHT.—Chapter 49 of title 18, United States
14 Code, is amended by adding at the end the following:

15 **“§ 1075. Flight to avoid prosecution for killing feder-**
16 **ally funded public safety officers**

17 “Whoever moves or travels in interstate or foreign
18 commerce with intent to avoid prosecution, or custody or
19 confinement after conviction, under the laws of the place
20 from which he flees or under section 1114 or 1123, for
21 a crime consisting of the killing, an attempted killing, or
22 a conspiracy to kill, an individual involved in crime and
23 juvenile delinquency control or reduction, or enforcement
24 of the laws or for a crime punishable by section 1114 or
25 1123, shall be fined under this title and imprisoned, in

1 addition to any other imprisonment for the underlying of-
2 fense, for any term of years not less than 10.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 49 of title 18, United States
5 Code, is amended by adding at the end the following new
6 item:

“1075. Flight to avoid prosecution for killing peace officers.”.

