

118TH CONGRESS
1ST SESSION

S. 2768

To protect hospital personnel from violence, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2023

Mr. MANCHIN (for himself and Mr. RUBIO) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To protect hospital personnel from violence, 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 “Safety From Violence
5 for Healthcare Employees Act” or the “SAVE Act”.

6 **SEC. 2. PREVENTION OF VIOLENCE AGAINST HOSPITAL**
7 **PERSONNEL.**

8 (a) PROHIBITION ON INTERFERENCE WITH HOS-
9 PITAL PERSONNEL IN THE PERFORMANCE OF DUTIES.—
10 Chapter 7 of title 18, United States Code, is amended by
11 adding at the end the following:

1 **“§ 120. Interference with performance of duties of**
2 **hospital personnel**

3 “(a) IN GENERAL.—Whoever knowingly assaults an
4 individual employed by a hospital engaged in interstate
5 commerce, or an entity contracting with a hospital or
6 other medical facility engaged in interstate commerce,
7 during the course of the performance of the duties of such
8 individual, and, as a result, interferes with the perform-
9 ance of the duties of such individual or limits the ability
10 of such individual to perform such duties, shall be fined
11 under this title, imprisoned for not more than 10 years,
12 or both.

13 “(b) ENHANCED PENALTIES.—

14 “(1) ACTS INVOLVING DANGEROUS WEAPONS
15 OR ACTS THAT RESULT IN BODILY INJURY.—Who-
16 ever, in the commission of any act described in sub-
17 section (a), uses a deadly or dangerous weapon or
18 inflicts serious bodily injury, shall be fined under
19 this title, imprisoned for not more than 20 years, or
20 both.

21 “(2) ACTS COMMITTED DURING EMERGENCY
22 DECLARATIONS.—Whoever commits any act de-
23 scribed in subsection (a) during the period of a dec-
24 laration of a public emergency for the area in which
25 the act is committed shall be fined under this title,
26 imprisoned for not more than 20 years, or both.

1 “(c) DEFENSE.—It shall be a defense to a prosecu-
2 tion under this section that—

3 “(1) the defendant is a person with a physical,
4 mental, or intellectual disability; and

5 “(2) the conduct of the defendant was a clear
6 and direct manifestation of such disability.

7 “(d) DEFINITIONS.—In this section:

8 “(1) HOSPITAL.—The term ‘hospital’ means
9 any of the following medical facilities:

10 “(A) A hospital (as defined in section
11 1861(e) of the Social Security Act (42 U.S.C.
12 1395x(e))).

13 “(B) A long-term care hospital (as defined
14 in section 1861(ccc) of such Act (42 U.S.C.
15 1395x(ccc))).

16 “(C) A rehabilitation facility (as described
17 in section 1886(j)(1)(A) of such Act (42 U.S.C.
18 1395ww(j)(1)(A))).

19 “(D) A children’s hospital (as described in
20 section 1886(d)(1)(B)(iii) of such Act (42
21 U.S.C. 1395ww(d)(1)(B)(iii))).

22 “(E) A cancer hospital (as described in
23 section 1886(d)(1)(B)(v) of such Act (42
24 U.S.C. 1395ww(d)(1)(B)(v))).

1 “(F) A critical access hospital (as defined
2 in section 1861(mm)(1) of such Act (42 U.S.C.
3 1395x(mm)(1))).

4 “(G) A rural emergency hospital (as de-
5 fined in section 1861(kkk)(2) of such Act (42
6 U.S.C. 1395x(kkk)(2))).

7 “(2) DECLARATION OF A PUBLIC EMER-
8 GENCY.—The term ‘declaration of a public emer-
9 gency’ means an emergency or major disaster de-
10 clared by the President pursuant to the Robert T.
11 Stafford Disaster Relief and Emergency Assistance
12 Act (42 U.S.C. 5121 et seq.).”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 for chapter 7 of title 18, United States Code, is amended
15 by adding at the end the following:

 “120. Interference with performance of duties of hospital personnel.”.

16 **SEC. 3. GAO STUDY.**

17 The Comptroller General of the United States shall
18 conduct a study on—

19 (1) how this Act, and the amendments made by
20 this Act, has affected workplace violence in
21 healthcare settings; and

22 (2) whether Federal, State, and local prosecu-
23 tions for workplace violence in healthcare settings

- 1 have increased or decreased because of the ability to
- 2 prosecute these incidents as Federal crimes.

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