

118TH CONGRESS
1ST SESSION

S. 1617

To protect Federal, State, and local public safety officers.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2023

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

A BILL

To protect Federal, State, and local 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 “Protect Our Heroes
5 Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Law enforcement officers, first responders,
9 and public safety officials risk their lives every day
10 to serve and protect our neighborhoods and commu-
11 nities.

1 (2) These men and women are true public serv-
2 ants who regularly sacrifice and encounter grave
3 daily harm.

4 (3) The families of law enforcement officers,
5 first responders, and public safety officials also sac-
6 rifice and contribute to their roles as guardians of
7 the public good.

8 (4) In recent times, it has become apparent
9 that these women and men are being targeted inten-
10 tionally by criminals in our society.

11 (5) Congress must do all it can to promote a
12 system of law and order that enables law enforce-
13 ment officers, first responders, and public safety of-
14 ficials to properly do their jobs.

15 **SEC. 3. PROTECTION OF PUBLIC SAFETY OFFICERS.**

16 (a) **KILLING OF PUBLIC SAFETY OFFICERS.—**

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

20 **“§ 1123. Killing of public safety officers**

21 “(a) **DEFINITIONS.—**In this section—

22 “(1) the terms ‘Federal law enforcement officer’
23 and ‘United States judge’ have the meanings given
24 those terms in section 115;

1 “(2) the term ‘federally funded public safety of-
2 ficer’ means a public safety officer or judicial officer
3 for a public agency that—

4 “(A) receives Federal financial assistance;

5 and

6 “(B) is an agency of an entity that is a
7 State of the United States, the District of Co-
8 lumbia, the Commonwealth of Puerto Rico, the
9 Virgin Islands, Guam, American Samoa, the
10 Commonwealth of the Northern Mariana Is-
11 lands, or any territory or possession of the
12 United States, an Indian tribe, or a unit of
13 local government of that entity;

14 “(3) the term ‘firefighter’ includes an individual
15 serving as an officially recognized or designated
16 member of a legally organized volunteer fire depart-
17 ment and an officially recognized or designated pub-
18 lic employee member of a rescue squad or ambulance
19 crew;

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

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

5 “(6) the term ‘public agency’ includes a court
6 system, the National Guard of a State to the extent
7 the personnel of that National Guard are not in
8 Federal service, and the defense forces of a State
9 authorized by section 109 of title 32; and

10 “(7) the term ‘public safety officer’ means an
11 individual serving a public agency in an official ca-
12 pacity, as a law enforcement officer, as a firefighter,
13 as a chaplain, or as a member of a rescue squad or
14 ambulance crew.

15 “(b) OFFENSE.—

16 “(1) IN GENERAL.—It shall be unlawful for any
17 person to, in any circumstance described in para-
18 graph (2), kill, or attempt or conspire to kill, a cur-
19 rent or former judicial officer or public safety offi-
20 cer, while the officer is engaged in official duties, or
21 on account of past performance of official duties.

22 “(2) CIRCUMSTANCES DESCRIBED.—For pur-
23 poses of paragraph (1), a circumstance described in
24 this paragraph is—

1 “(A) the conduct described in paragraph
2 (1) occurs during the course of, or as the result
3 of, the travel of the defendant or the victim—

4 “(i) across a State line or national
5 border; or

6 “(ii) using a channel, facility, or in-
7 strumentality of interstate or foreign com-
8 merce;

9 “(B) the defendant uses a channel, facility,
10 or instrumentality of interstate or foreign com-
11 merce in connection with the conduct described
12 in paragraph (1);

13 “(C) in connection with the conduct de-
14 scribed in paragraph (1), the defendant employs
15 a firearm, dangerous weapon, explosive or in-
16 cendiary device, or other weapon that has trav-
17 eled in interstate or foreign commerce;

18 “(D) the conduct described in paragraph
19 (1)—

20 “(i) interferes with commercial or
21 other economic activity in which the victim
22 is engaged at the time of the conduct; or

23 “(ii) otherwise affects interstate or
24 foreign commerce; or

25 “(E) the victim is—

1 “(i) a Federal law enforcement officer;

2 “(ii) a United States judge; or

3 “(iii) a federally funded public safety
4 officer.

5 “(c) PENALTY.—

6 “(1) IN GENERAL.—Any person that violates
7 subsection (b) shall be fined under this title and im-
8 prisoned for not less than 10 years or for life, or,
9 if death results, shall be sentenced to not less than
10 30 years and not more than life, or may be punished
11 by death.

12 “(2) DIRECTIVE TO COMMISSION.—

13 “(A) IN GENERAL.—Pursuant to section
14 994 of title 28, the United States Sentencing
15 Commission shall promulgate guidelines or
16 amend existing guidelines to provide sentencing
17 enhancements of not less than 5 offense levels
18 for offenses where the finder of fact at trial de-
19 termines beyond a reasonable doubt that in the
20 commission of a violation of subsection (b), the
21 defendant lures the victim to a location for the
22 purpose of killing, or attempting to kill, the vic-
23 tim.

24 “(B) REQUIREMENT.—In carrying out this
25 paragraph, the United States Sentencing Com-

1 mission shall assure reasonable consistency with
 2 other guidelines, avoid duplicative punishments
 3 for substantially the same offense, and take
 4 into account any mitigating circumstances
 5 which might justify exceptions.”.

6 (2) TABLE OF SECTIONS.—The table of sections
 7 for chapter 51 of title 18, United States Code, is
 8 amended by adding at the end the following:

“1123. Killing of public safety officers.”.

9 (b) ASSAULT OF PUBLIC SAFETY OFFICERS.—

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

13 **“§ 120. Assaults of public safety officers**

14 “(a) DEFINITIONS.—In this section—

15 “(1) the term ‘federally funded public safety of-
 16 ficer’ means a public safety officer or judicial officer
 17 for a public agency that—

18 “(A) receives Federal financial assistance;

19 and

20 “(B) is an agency of an entity that is a
 21 State of the United States, the District of Co-
 22 lumbia, the Commonwealth of Puerto Rico, the
 23 Virgin Islands, Guam, American Samoa, the
 24 Commonwealth of the Northern Mariana Is-
 25 lands, or any territory or possession of the

1 United States, an Indian tribe, or a unit of
2 local government of that entity;

3 “(2) the term ‘firefighter’ includes an individual
4 serving as an officially recognized or designated
5 member of a legally organized volunteer fire depart-
6 ment and an officially recognized or designated pub-
7 lic employee member of a rescue squad or ambulance
8 crew;

9 “(3) the term ‘judicial officer’ means a judge or
10 other officer or employee of a court, including pros-
11 ecutors, court security, pretrial services officers,
12 court reporters, and corrections, probation, and pa-
13 role officers;

14 “(4) the term ‘law enforcement officer’ means
15 an individual, with arrest powers, involved in crime
16 or juvenile delinquency control or reduction or en-
17 forcement of the laws;

18 “(5) the term ‘public agency’ includes a court
19 system, the National Guard of a State to the extent
20 the personnel of that National Guard are not in
21 Federal service, and the defense forces of a State
22 authorized by section 109 of title 32; and

23 “(6) the term ‘public safety officer’ means an
24 individual serving a public agency in an official ca-
25 pacity, as a law enforcement officer, as a firefighter,

1 as a chaplain, or as a member of a rescue squad or
2 ambulance crew.

3 “(b) OFFENSE.—

4 “(1) IN GENERAL.—It shall be unlawful, in any
5 circumstance described in paragraph (2), to assault,
6 or attempt to assault, a current or former judicial
7 officer or public safety officer, while the officer is
8 engaged in official duties, or on account of past per-
9 formance of official duties.

10 “(2) CIRCUMSTANCES DESCRIBED.—For pur-
11 poses of paragraph (1), a circumstance described in
12 this paragraph is—

13 “(A) the conduct described in paragraph
14 (1) occurs during the course of, or as the result
15 of, the travel of the defendant or the victim—

16 “(i) across a State line or national
17 border; or

18 “(ii) using a channel, facility, or in-
19 strumentality of interstate or foreign com-
20 merce;

21 “(B) the defendant uses a channel, facility,
22 or instrumentality of interstate or foreign com-
23 merce in connection with the conduct described
24 in paragraph (1);

1 “(C) in connection with the conduct de-
2 scribed in paragraph (1), the defendant employs
3 a firearm, dangerous weapon, explosive or in-
4 cendiary device, or other weapon that has trav-
5 eled in interstate or foreign commerce;

6 “(D) the conduct described in paragraph
7 (1)—

8 “(i) interferes with commercial or
9 other economic activity in which the victim
10 is engaged at the time of the conduct; or

11 “(ii) otherwise affects interstate or
12 foreign commerce; or

13 “(E) the victim is—

14 “(i) a Federal law enforcement officer;

15 “(ii) a United States judge; or

16 “(iii) a federally funded public safety
17 officer.

18 “(c) PENALTY.—

19 “(1) IN GENERAL.—Any person that violates
20 subsection (b) shall be subject to a fine under this
21 title and—

22 “(A) if the assault resulted in bodily injury
23 (as defined in section 1365), shall be impris-
24 oned not less than 2 years and not more than
25 10 years;

1 “(B) if the assault resulted in substantial
2 bodily injury (as defined in section 113), shall
3 be imprisoned not less than 5 years and not
4 more than 20 years;

5 “(C) if the assault resulted in serious bod-
6 ily injury (as defined in section 1365), shall be
7 imprisoned for not less than 10 years;

8 “(D) if a deadly or dangerous weapon was
9 used during and in relation to the assault, shall
10 be imprisoned for not less than 20 years; and

11 “(E) shall be imprisoned for not more than
12 1 year in any other case.

13 “(2) DIRECTIVE TO COMMISSION.—

14 “(A) IN GENERAL.—Pursuant to section
15 994 of title 28, the United States Sentencing
16 Commission shall promulgate guidelines or
17 amend existing guidelines to provide sentencing
18 enhancements of not less than 5 offense levels
19 for offenses where the finder of fact at trial de-
20 termines beyond a reasonable doubt that in the
21 commission of a violation of subsection (b), the
22 defendant lures the victim to a location for the
23 purpose of assaulting, or attempting to assault,
24 the victim.

1 “(B) REQUIREMENT.—In carrying out this
2 paragraph, the United States Sentencing Com-
3 mission shall assure reasonable consistency with
4 other guidelines, avoid duplicative punishments
5 for substantially the same offense, and take
6 into account any mitigating circumstances
7 which might justify exceptions.”.

8 (2) TABLE OF SECTIONS.—The table of sections
9 for chapter 7 of title 18, United States Code, is
10 amended by adding at the end the following:

“120. Assaults of public safety officers.”.

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