

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend title 18, United States Code, to punish criminal offenses targeting law enforcement officers, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. TILLIS introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title 18, United States Code, to punish criminal offenses targeting 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 “Protect and Serve Act  
5 of 2021”.

6 **SEC. 2. CRIMES TARGETING LAW ENFORCEMENT OFFI-**  
7 **CERS.**

8 (a) IN GENERAL.—Chapter 7 of title 18, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing:

1 **“§ 120. Crimes targeting law enforcement officers**

2 “(a) IN GENERAL.—Whoever, in any circumstance  
3 described in subsection (b), knowingly assaults a law en-  
4 forcement officer causing serious bodily injury, or at-  
5 tempts to do so—

6 “(1) shall be imprisoned not more than 10  
7 years, fined in accordance with this title, or both;  
8 and

9 “(2) shall be imprisoned for any term of years  
10 or for life, fined in accordance with this title, or  
11 both, if—

12 “(A) death results from the offense; or

13 “(B) the offense includes kidnapping or an  
14 attempt to kidnap, or an attempt to kill.

15 “(b) CIRCUMSTANCES DESCRIBED.—For purposes of  
16 subsection (a), the circumstances described in this sub-  
17 section are that—

18 “(1) the conduct described in subsection (a) oc-  
19 curs during the course of, or as the result of, the  
20 travel of the defendant or the victim—

21 “(A) across a State line or national border;

22 or

23 “(B) using a channel, facility, or instru-  
24 mentality of interstate or foreign commerce;

25 “(2) the defendant uses a channel, facility, or  
26 instrumentality of interstate or foreign commerce in

1 connection with the conduct described in subsection  
2 (a);

3 “(3) in connection with the conduct described in  
4 subsection (a), the defendant employs a firearm,  
5 dangerous weapon, explosive or incendiary device, or  
6 other weapon that has traveled in interstate or for-  
7 eign commerce;

8 “(4) the conduct described in subsection (a)—

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

12 “(B) otherwise affects interstate or foreign  
13 commerce; or

14 “(5) the victim is a Federal law enforcement of-  
15 ficer.

16 “(c) CERTIFICATION REQUIREMENT.—

17 “(1) IN GENERAL.—No prosecution of any of-  
18 fense described in this section may be undertaken by  
19 the United States, except under the certification in  
20 writing of the Attorney General, or a designee,  
21 that—

22 “(A) the State does not have jurisdiction;

23 “(B) the State has requested that the Fed-  
24 eral Government assume jurisdiction;

1           “(C) the verdict or sentence obtained pur-  
2           suant to State charges left demonstratively  
3           unvindicated the Federal interest in protecting  
4           the public safety; or

5           “(D) a prosecution by the United States is  
6           in the public interest and necessary to secure  
7           substantial justice.

8           “(2) RULE OF CONSTRUCTION.—Nothing in  
9           this subsection shall be construed to limit the au-  
10          thority of Federal officers, or a Federal grand jury,  
11          to investigate possible violations of this section.

12          “(d) DEFINITIONS.—In this section:

13           “(1) LAW ENFORCEMENT OFFICER.—The term  
14           ‘law enforcement officer’ means an employee of a  
15           governmental or public agency who is authorized by  
16           law—

17           “(A) to engage in or supervise the preven-  
18           tion, detection, or the investigation of any  
19           criminal violation of law; or

20           “(B) to engage in or supervise the deten-  
21           tion or the incarceration of any person for any  
22           criminal violation of law.

23           “(2) STATE.—The term ‘State’ means a State  
24           of the United States, the District of Columbia, or

1       any commonwealth, territory, or possession of the  
2       United States.”.

3       (b) CLERICAL AMENDMENT.—The table of sections  
4       at the beginning of such chapter is amended by adding  
5       at the end the following new item:

“120. Crimes targeting law enforcement officers.”.