

119TH CONGRESS  
1ST SESSION

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

To amend title 18, United States Code, to punish criminal offenses targeting first responders, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. SCHMITT 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 first responders, 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 “Graham Hoffman  
5       Act”.

6       **SEC. 2. CRIMES TARGETING FIRST RESPONDERS.**

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

1   **“§ 121. Crimes targeting first responders**

2           “(a) IN GENERAL.—Whoever, in any circumstance  
3 described in subsection (b), knowingly assaults a first re-  
4 sponder engaged in official duties causing serious bodily  
5 injury, or attempts 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 first responder.

15 “(c) CERTIFICATION REQUIREMENT.—

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

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

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

24 “(C) the verdict or sentence obtained pur-  
25 suant to State charges left demonstratively

1 unvindicated the Federal interest in protecting  
2 the public safety; or

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

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

10 “(d) DEFINITIONS.—In this section:

11 “(1) FIRST RESPONDER.—The term ‘first re-  
12 sponder’ means—

13 “(A) a firefighter, a law enforcement offi-  
14 cer, or a member of a rescue squad or ambu-  
15 lance crew, as those terms are defined in sec-  
16 tion 1204 of title I of the Omnibus Crime Con-  
17 trol and Safe Streets Act of 1968 (34 U.S.C.  
18 10284); or

19 “(B) an officially recognized or designated  
20 employee or volunteer member of a paramedic  
21 ALS intercept service that meet the require-  
22 ments under section 410.40(d) of title 42, Code  
23 of Federal Regulations (or any successor regu-  
24 lation).

1           “(2) STATE.—The term ‘State’ means a State  
2           of the United States, the District of Columbia, or  
3           any commonwealth, territory, or possession of the  
4           United States.”.

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

          “121. Crimes targeting first responders.”.