

119TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

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

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 **“§ 120. Crimes targeting first responders**

2 “(a) IN GENERAL.—Whoever, in any circumstance
3 described in subsection (b), knowingly assaults a first re-
4 sponder while the first responder is engaged in the per-
5 formance of, or on account of the performance of, official
6 duties, or knowingly assaults any individual assisting such
7 a first responder in the performance of such duties, or
8 on account of that assistance, causing serious bodily injury
9 or death, or attempts to do so—

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

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

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

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

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

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

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

26 or

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

3 “(2) the defendant uses a channel, facility, or
4 instrumentality of interstate or foreign commerce in
5 connection with the conduct described in subsection
6 (a);

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

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

13 “(A) interferes with commercial or other
14 economic activity in which the victim is engaged
15 at the time of the conduct; or

16 “(B) otherwise affects interstate or foreign
17 commerce; or

18 “(5) the victim is a Federal first responder.

19 “(c) CERTIFICATION REQUIREMENT.—

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

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

1 “(B) the State has requested that the Fed-
2 eral Government assume jurisdiction; or

3 “(C) a prosecution by the United States
4 will address specific criminal conduct that is an
5 element of a violation of this section that is not
6 also specifically addressed by applicable State
7 law.

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) FIRST RESPONDER.—The term ‘first re-
14 sponder’ means—

15 “(A) a firefighter, a law enforcement offi-
16 cer, or a member of a rescue squad or ambu-
17 lance crew, as those terms are defined in sec-
18 tion 1204 of title I of the Omnibus Crime Con-
19 trol and Safe Streets Act of 1968 (34 U.S.C.
20 10284); or

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

1 of Federal Regulations (or any successor regu-
2 lation).

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

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

 “120. Crimes targeting first responders.”.