

# Calendar No. 511

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1031

To protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury.

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## IN THE SENATE OF THE UNITED STATES

JULY 17, 1997

Mr. GRASSLEY (for himself, Mr. D'AMATO, Mr. SESSIONS, Mr. STEVENS, Mr. HUTCHINSON, and Mr. GRAMS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JULY 30, 1998

Reported by Mr. HATCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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## A BILL

To protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury.

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 “Federal Law Enforce-  
5 ment Officers’ Good Samaritan Act of 1997”.

1 **SEC. 2. PROTECTION OF FEDERAL LAW ENFORCEMENT OF-**  
2 **FICERS WHO INTERVENE IN CERTAIN SITUA-**  
3 **TIONS TO PROTECT LIFE OR TO PREVENT**  
4 **BODILY INJURY.**

5 (a) DEFINITIONS.—In this section—

6 (1) the term “bodily injury” has the meaning  
7 given that term in section 1365(g) of title 18,  
8 United States Code;

9 (2) the term “crime of violence” has the mean-  
10 ing given that term in section 16 of title 18, United  
11 States Code;

12 (3) the term “law enforcement officer” has the  
13 meaning given that term in section 8401 of title 5,  
14 United States Code; and

15 (4) the term “serious bodily injury” has the  
16 meaning given that term in section 1365(g) of title  
17 18, United States Code.

18 (b) RULE OF CONSTRUCTION.—Notwithstanding any  
19 other provision of law, for purposes of chapter 171 of title  
20 28, United States Code, a law enforcement officer shall  
21 be construed to be acting within the scope of his or her  
22 office or employment, if the officer takes any action, in-  
23 cluding the use of force, that is determined by the officer  
24 to be necessary to—

1           (1) protect an individual in the presence of the  
2 officer from the imminent infliction of serious bodily  
3 injury;

4           (2) provide immediate assistance to an individ-  
5 ual who has suffered or who is threatened with seri-  
6 ous bodily injury; or

7           (3) prevent the escape of any individual whom  
8 the officer reasonably believes to have committed in  
9 the presence of the officer a crime of violence.

10 **SECTION 1. SHORT TITLE.**

11           *This Act may be cited as the “Federal Law Enforce-*  
12 *ment Officers’ Good Samaritan Act of 1998”.*

13 **SEC. 2. PROTECTION OF FEDERAL LAW ENFORCEMENT OF-**  
14 **FICERS WHO INTERVENE IN CERTAIN SITUA-**  
15 **TIONS.**

16           (a) *DEFINITIONS.—In this section—*

17                   (1) *the term “crime of violence” has the meaning*  
18 *given that term in section 16 of title 18, United*  
19 *States Code; and*

20                   (2) *the term “law enforcement officer” means—*

21                           (A) *any employee described in subpara-*  
22 *graph (A), (B), or (C) of section 8401(17) of title*  
23 *5, United States Code; and*

24                           (B) *any special agent in the Diplomatic Se-*  
25 *curity Service of the Department of State.*

1       **(b) RULE OF CONSTRUCTION.**—*Notwithstanding any*  
2 *other provision of law, for purposes of chapter 171 of title*  
3 *28, United States Code, or any other provision of law relat-*  
4 *ing to tort liability, a law enforcement officer shall be con-*  
5 *strued to be acting within the scope of his or her office or*  
6 *employment, if the officer takes reasonable action, including*  
7 *the use of force, to—*

8           (1) *protect an individual in the presence of the*  
9 *officer from a crime of violence;*

10          (2) *provide immediate assistance to an individ-*  
11 *ual who has suffered or who is threatened with bodily*  
12 *harm; or*

13          (3) *prevent the escape of any individual whom*  
14 *the officer reasonably believes to have committed in*  
15 *the presence of the officer a crime of violence.*



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