

105TH CONGRESS
1ST SESSION

S. 294

To amend chapter 51 of title 18, United States Code, to establish Federal penalties for the killing or attempted killing of a law enforcement officer of the District of Columbia, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 1997

Mrs. HUTCHISON (for herself, Mr. LOTT, Mr. THURMOND, Mr. SESSIONS, Mr. HAGEL, Mr. Shelby, Mr. GRAMM, and Mr. NICKLES) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend chapter 51 of title 18, United States Code, to establish Federal penalties for the killing or attempted killing of a law enforcement officer of the District of Columbia, 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 “Officer Brian Gibson
5 District of Columbia Police Protection Act”.

1 **SEC. 2. PENALTIES FOR KILLING OR ATTEMPTING TO KILL**
 2 **A DISTRICT OF COLUMBIA LAW ENFORCE-**
 3 **MENT OFFICER.**

4 (a) IN GENERAL.—

5 (1) ESTABLISHMENT AS FEDERAL OFFENSE.—

6 Chapter 51 of title 18, United States Code, is
 7 amended by adding at the end the following:

8 **“§ 1123. Protection of law enforcement officers of the**
 9 **District of Columbia**

10 “(a) DEFINITION OF LAW ENFORCEMENT OFFI-
 11 CER.—In this section, the term ‘law enforcement officer
 12 of the District of Columbia’ means a public servant au-
 13 thorized by law or by the District of Columbia to conduct
 14 or engage in the prevention, investigation, or prosecution
 15 or adjudication of an offense, and includes those engaged
 16 in corrections, parole, or probation functions.

17 “(b) PENALTIES FOR MURDER OR MAN-
 18 SLAUGHTER.—Whoever kills a law enforcement officer of
 19 the District of Columbia engaged in or on account of the
 20 performance of the official duties of that law enforcement
 21 officer—

22 “(1) in the case of—

23 “(A) murder in the first degree (as de-
 24 scribed in section 1111), shall be punished by
 25 death or by imprisonment for life; and

1 “(B) murder in the second degree (as de-
2 scribed in section 1111), shall be imprisoned for
3 any term of years or for life; and

4 “(2) in the case of manslaughter, shall be pun-
5 ished as provided in section 1112.

6 “(c) PENALTY FOR ATTEMPTED MURDER OR MAN-
7 SLAUGHTER.—Whoever attempts to kill a law enforcement
8 officer of the District of Columbia engaged in or on ac-
9 count of the performance of the official duties of that law
10 enforcement officer, shall be punished as provided in sec-
11 tion 1113.”.

12 (2) CLERICAL AMENDMENT.—The analysis for
13 chapter 51 of title 18, United States Code, is
14 amended by adding at the end the following:

“1123. Protection of law enforcement officers of the District of Columbia.”.

15 (b) AGGRAVATING CIRCUMSTANCES FOR IMPOSITION
16 OF DEATH PENALTY.—Section 3592(c) of title 18, United
17 States Code, is amended by inserting after paragraph (16)
18 the following:

19 “(17) LAW ENFORCEMENT OFFICERS OF DIS-
20 TRICT OF COLUMBIA.—

21 “(A) IN GENERAL.—The defendant com-
22 mitted the offense against a law enforcement
23 officer of the District of Columbia—

24 “(i) while he or she is engaged in the
25 performance of his or her official duties;

1 “(ii) because of the performance of his
2 or her official duties; or

3 “(iii) because of his or her status as
4 a public servant.

5 “(B) DEFINITION OF LAW ENFORCEMENT
6 OFFICER OF DISTRICT OF COLUMBIA.—In this
7 subparagraph, the term ‘law enforcement officer
8 of the District of Columbia’ means a public
9 servant authorized by law or by the District of
10 Columbia to conduct or engage in the preven-
11 tion, investigation, or prosecution or adjudica-
12 tion of an offense, and includes those engaged
13 in corrections, parole, or probation functions.”.

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