

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

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

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

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

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

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

14 or

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

17 “(2) the defendant uses a channel, facility, or
18 instrumentality of interstate or foreign commerce in
19 connection with the conduct described in subsection
20 (a);

21 “(3) in connection with the conduct described in
22 subsection (a), the defendant employs a firearm,
23 dangerous weapon, explosive or incendiary device, or
24 other weapon that has traveled in interstate or for-
25 eign commerce;

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

2 “(A) interferes with commercial or other
3 economic activity in which the victim is engaged
4 at the time of the conduct; or

5 “(B) otherwise affects interstate or foreign
6 commerce; or

7 “(5) the victim is a Federal law enforcement of-
8 ficer.

9 “(c) CERTIFICATION REQUIREMENT.—

10 “(1) IN GENERAL.—No prosecution of any of-
11 fense described in this section may be undertaken by
12 the United States, except under the certification in
13 writing of the Attorney General, or a designee,
14 that—

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

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

18 “(C) the verdict or sentence obtained pur-
19 suant to State charges left demonstratively
20 unvindicated the Federal interest in protecting
21 the public safety; or

22 “(D) a prosecution by the United States is
23 in the public interest and necessary to secure
24 substantial justice.

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

5 “(d) DEFINITIONS.—In this section:

6 “(1) LAW ENFORCEMENT OFFICER.—The term
7 ‘law enforcement officer’ means an employee of a
8 governmental or public agency who is authorized by
9 law—

10 “(A) to engage in or supervise the preven-
11 tion, detection, or the investigation of any
12 criminal violation of law; or

13 “(B) to engage in or supervise the deten-
14 tion or the incarceration of any person for any
15 criminal violation of law.

16 “(2) STATE.—The term ‘State’ means a State
17 of the United States, the District of Columbia, or
18 any commonwealth, territory, or possession of the
19 United States.”.

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

“120. Crimes targeting law enforcement officers.”.

