

118TH CONGRESS
1ST SESSION

S. _____

To improve certain criminal provisions.

IN THE SENATE OF THE UNITED STATES

Mr. GRASSLEY (for himself, Mr. HAWLEY, Mr. COTTON, Mr. KENNEDY, Mr. TILLIS, Mrs. CAPITO, Mr. CASSIDY, Ms. COLLINS, Mr. CRAMER, Mr. CRAPO, Mrs. FISCHER, Mr. LANIKFORD, Mr. MCCONNELL, Mr. RISCIL, Mr. RUBIO, Mr. SCOTT of South Carolina, Mr. THUNE, Mr. BOOZMAN, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To improve certain criminal provisions.

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 “Combating Violent and
5 Dangerous Crime Act”.

6 **SEC. 2. BANK ROBBERY AND RELATED CRIMES.**

7 Section 2113 of title 18, United States Code, is
8 amended—

9 (1) in subsection (a)—

10 (A) by striking “, or attempts to take,”;

1 (B) by striking “or attempts to obtain”;
2 and

3 (C) by inserting before “; or” the fol-
4 lowing: “, or attempts to do so”;

5 (2) by redesignating subsections (f), (g), and
6 (h) as subsections (g), (h), and (i), respectively; and

7 (3) by inserting after subsection (e) the fol-
8 lowing:

9 “(f) Whoever conspires to commit any offense under
10 this section shall be subject to the same penalties as those
11 prescribed for the offense the commission of which was
12 the object of the conspiracy.”.

13 **SEC. 3. PROTECTION OF OFFICERS AND EMPLOYEES OF**
14 **THE UNITED STATES.**

15 (a) FINDINGS.— Congress finds the following:

16 (1) Officers and employees of the United States
17 Government dutifully and faithfully serve the United
18 States, often placing themselves at serious risk of
19 death or bodily harm, in order to preserve, protect,
20 and defend the interests of the United States.

21 (2) In prohibiting the assaulting, resisting, or
22 impeding of officers and employees of the United
23 States Government, Congress intended to maximize
24 protection for Federal officers and employees and

1 ensure that individuals who kill or assault Federal
2 officers or employees are prosecuted.

3 (3) The United States Court of Appeals for the
4 Sixth Circuit analyzed section 111 of title 18,
5 United States Code, correctly when it found, “Cat-
6 egorizing § 111(a)(1) as a general intent crime fur-
7 thers the congressional objective: ‘If a person acts in
8 a manner which is assaultive toward a federal offi-
9 cial, without specifically intending harm or the ap-
10 prehension of imminent harm, the official still would
11 be impeded in the performance of his official du-
12 ties.’” *United States v. Kimes*, 246 F.3d 800, 809
13 (6th Cir. 2001), quoting *United States v. Jennings*,
14 855 F. Supp. 1427, 1440 (M.D. Pa. 1994).

15 (4) Federal courts, including the United States
16 Courts of Appeals for the Second, Fourth, Sixth,
17 Seventh, Eighth, Ninth, and Eleventh Circuits, have
18 correctly interpreted section 111 of title 18, United
19 States Code, to be a crime of general intent rather
20 than a crime of specific intent.

21 (5) Other Federal courts, including the United
22 States Courts of Appeals for the First, Fifth, and
23 Tenth Circuits, have issued decisions with language
24 arguably suggesting that section 111 of title 18,
25 United States Code, is a crime of specific intent

1 rather than a crime of general intent, creating the
2 appearance of a split among the United States
3 courts of appeals.

4 (6) In light of the appearance of a split among
5 the United States courts of appeals described in
6 paragraph (5), it has become necessary for Congress
7 to clarify its original intent that section 111 of title
8 18, United States Code, is a crime of general intent.

9 (b) AMENDMENT.—Section 111 of title 18, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 “(d) KNOWLEDGE OF DEFENDANT.—In a prosecu-
13 tion for an offense under subsection (a), the Government
14 need not prove that the defendant—

15 “(1) knew that the victim of the offense was a
16 person designated in section 1114 or performed offi-
17 cial duties during service as a person so designated;
18 or

19 “(2) acted with any intent greater than knowl-
20 edge.”.

21 **SEC. 4. MOTOR VEHICLES.**

22 Section 2119 of title 18, United States Code, is
23 amended—

24 (1) in the matter preceding paragraph (1)—

1 (A) by striking “; with the intent to cause
2 death or serious bodily harm”;

3 (B) by inserting a comma after “force and
4 violence”; and

5 (C) by inserting “or conspires” after “at-
6 tempts”;

7 (2) in paragraph (1), by striking “15 years”
8 and inserting “20 years”;

9 (3) by redesignating paragraphs (2) and (3) as
10 paragraphs (3) and (4), respectively;

11 (4) by inserting after paragraph (1) the fol-
12 lowing:

13 “(2) if a dangerous weapon or device is used in
14 committing; or in attempting to commit, the offense,
15 be fined under this title or imprisoned not more
16 than 25 years, or both,”; and

17 (5) in paragraph (3), as so redesignated, by
18 striking “25 years” and inserting “40 years”.

19 **SEC. 5. PENALTIES FOR FIREARMS OFFENSES.**

20 Section 924(c)(3)(B) of title 18, United States Code,
21 is amended to read as follows:

22 “(B) is a conspiracy, or an attempt, to commit
23 an offense that has as an element the use, attempted
24 use, or threatened use of physical force against the
25 person or property of another.”

1 **SEC. 6. OFFENSES INVOLVING CANDY-FLAVORED CON-**
2 **TROLLED SUBSTANCES MANUFACTURED OR**
3 **DISTRIBUTED FOR MINORS.**

4 (a) IN GENERAL.—Part D of the Controlled Sub-
5 stances Act (21 U.S.C. 841 et seq.) is amended by insert-
6 ing after section 418 the following:

7 “MANUFACTURING OR DISTRIBUTING CANDY-FLAVORED
8 CONTROLLED SUBSTANCES FOR MINORS

9 “SEC. 418a. (a) Except as provided in subsection (c)
10 and in section 418, 419, or 420, a person shall be subject
11 to the penalty described in subsection (b) if the person
12 violates section 401(a)(1)—

13 “(1) by manufacturing, creating, distributing,
14 dispensing, or possessing with intent to distribute a
15 controlled substance listed in schedule I or II that
16 is—

17 “(A) combined with a candy or beverage
18 product;

19 “(B) marketed or packaged to appear simi-
20 lar to a candy or beverage product; or

21 “(C) modified by flavoring or coloring to
22 appear similar to a candy or beverage product;
23 and

24 “(2) knowing, or having reasonable cause to be-
25 lieve, that the controlled substance will be distrib-

1 uted, dispensed, or sold to a person under 18 years
2 of age.

3 “(b) The penalty described in this subsection is—

4 “(1) in the case of a first offense involving the
5 same controlled substance and schedule, an addi-
6 tional term of imprisonment of not more than 10
7 years; and

8 “(2) in the case of a second or subsequent of-
9 fense involving the same controlled substance and
10 schedule, an additional term of imprisonment of not
11 more than 20 years.

12 “(c) Subsection (a) shall not apply to any controlled
13 substance that—

14 “(1) has been approved by the Secretary under
15 section 505 of the Federal Food, Drug, and Cos-
16 metic Act (21 U.S.C. 355), if the contents, mar-
17 keting, and packaging of the controlled substance
18 have not been altered from the form approved by the
19 Secretary; or

20 “(2) has been altered at the direction of a prac-
21 titioner who is acting for a legitimate medical pur-
22 pose in the usual course of professional practice.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—

24 The table of contents for the Comprehensive Drug Abuse
25 Prevention and Control Act of 1970 (Public Law 91-513;

1 84 Stat. 1236) is amended by inserting after the item re-
2 lating to section 418 the following:

“Sec. 418a. Manufacturing or distributing candy-flavored controlled substances
for minors.”.

3 (c) SENTENCING GUIDELINES.—Pursuant to its au-
4 thority under section 994 of title 28, United States Code,
5 and in accordance with this section, the United States
6 Sentencing Commission shall amend and review the Fed-
7 eral sentencing guidelines and policy statements to ensure
8 that the guidelines provide for a penalty enhancement of
9 not less than 2 offense levels for a violation of section
10 401(a)(1) of the Controlled Substances Act (21 U.S.C.
11 841(a)(1)) if the defendant—

12 (1) manufactures, creates, distributes, dis-
13 penses, or possesses with intent to distribute a con-
14 trolled substance listed in schedule I or II that is—

15 (A) combined with a candy or beverage
16 product;

17 (B) marketed or packaged to appear simi-
18 lar to a candy or beverage product; or

19 (C) modified by flavoring or coloring to ap-
20 pear similar to a candy or beverage product;
21 and

22 (2) knows, or has reasonable cause to believe,
23 that the controlled substance will be distributed, dis-
24 pensed, or sold to a person under 18 years of age.

1 **SEC. 7. KIDNAPPING.**

2 Section 1201 of title 18, United States Code, is
3 amended—

4 (1) by striking subsection (a) and inserting the
5 following:

6 “(a) **KIDNAPPING.**—

7 “(1) **OFFENSE.**—Except as provided in para-
8 graph (2), it shall be unlawful for any person, in any
9 circumstance described in paragraph (3), to—

10 “(A) unlawfully—

11 “(i) seize, confine, kidnap, abduct, or
12 carry away an individual by—

13 “(I) force and violence; or

14 “(II) intimidation; or

15 “(ii) inveigle or decoy an individual;

16 and

17 “(B) hold the individual described in sub-
18 paragraph (A) for ransom, reward, or other-
19 wise.

20 “(2) **EXCEPTION.**—Paragraph (1) shall not
21 apply to an act done against a minor by the parent
22 thereof.

23 “(3) **CIRCUMSTANCES.**—A circumstance de-
24 scribed in this paragraph is that—

25 “(A) the individual is willfully transported
26 in interstate or foreign commerce, regardless of

1 whether the individual was alive when trans-
2 ported across a State boundary, or the offender
3 travels in interstate or foreign commerce or
4 uses the mail or any means, facility, or instru-
5 mentality of interstate or foreign commerce in
6 committing or in furtherance of the commission
7 of the offense;

8 “(B) any such act against the individual is
9 done within the special maritime and territorial
10 jurisdiction of the United States;

11 “(C) any such act against the individual is
12 done within the special aircraft jurisdiction of
13 the United States as defined in section 46501
14 of title 49;

15 “(D) the individual is a foreign official, an
16 internationally protected person, or an official
17 guest as those terms are defined in section
18 1116(b) of this title; or

19 “(E) the individual is among those officers
20 and employees described in section 1114 of this
21 title and any such act against the individual is
22 done while the individual is engaged in, or on
23 account of, the performance of official duties.

24 “(4) PENALTY.—Any person who commits a
25 violation under this subsection shall be punished by

1 imprisonment for any term of years or for life and,
2 if the death of any individual results, shall be pun-
3 ished by death or life imprisonment.”;

4 (2) in subsection (b)—

5 (A) by striking “subsection (a)(1), above,”
6 and inserting “subsection (a)(3)(A)”;

7 (B) by striking “he” and inserting “the
8 victim”; and

9 (C) by striking “under this section” and
10 inserting “under this subsection”; and

11 (3) in subsection (f), by striking “subsection
12 (a)(4)” each place it appears and inserting “sub-
13 section (a) with respect to a circumstance described
14 in paragraph (3)(D) of that subsection”.