

117TH CONGRESS
2D SESSION

S. 4628

To improve certain criminal provisions.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2022

Mr. GRASSLEY (for himself, Mr. GRAHAM, Mr. CORNYN, Mr. LEE, Mr. CRUZ, Mr. SASSE, Mr. HAWLEY, Mr. COTTON, Mr. KENNEDY, Mr. TILLIS, Mrs. BLACKBURN, Mrs. CAPITO, Mr. CASSIDY, Ms. COLLINS, Mr. CRAMER, Mr. CRAPO, Mrs. FISCHER, Mr. HAGERTY, Mr. INHOFE, Mr. LANKFORD, Mr. McCONNELL, Mr. RISCH, Mr. RUBIO, Mr. SCOTT of South Carolina, and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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)—

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

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

3 and

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

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

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

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

14 **SEC. 3. HOMICIDE OFFENSES.**

15 (a) IN GENERAL.—Chapter 51 of title 18, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 **“§ 1123. No maximum time period between act or**
19 **omission and death of victim**

20 “A prosecution may be instituted for any homicide
21 offense under the laws of the United States without regard
22 to the time that elapsed between—

23 “(1) the act or omission that caused the death
24 of the victim; and

25 “(2) the death of the victim.”.

1 (b) TABLE OF CONTENTS.—The table of sections for
 2 chapter 51 of title 18, United States Code, is amended
 3 by adding at the end the following:

“1123. No maximum time period between act or omission and death of victim.”.

4 **SEC. 4. PROTECTION OF OFFICERS AND EMPLOYEES OF**
 5 **THE UNITED STATES.**

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

7 (1) Officers and employees of the United States
 8 Government dutifully and faithfully serve the United
 9 States, often placing themselves at serious risk of
 10 death or bodily harm, in order to preserve, protect,
 11 and defend the interests of the United States.

12 (2) In prohibiting the assaulting, resisting, or
 13 impeding of officers and employees of the United
 14 States Government, Congress intended to maximize
 15 protection for Federal officers and employees and
 16 ensure that individuals who kill or assault Federal
 17 officers or employees are prosecuted.

18 (3) The United States Court of Appeals for the
 19 Sixth Circuit analyzed section 111 of title 18,
 20 United States Code, correctly when it found, “Cat-
 21 egorizing § 111(a)(1) as a general intent crime fur-
 22 thers the congressional objective: ‘If a person acts in
 23 a manner which is assaultive toward a federal offi-
 24 cial, without specifically intending harm or the ap-
 25 prehension of imminent harm, the official still would

1 be impeded in the performance of his official du-
2 ties.’” United States v. Kimes, 246 F.3d 800, 809
3 (6th Cir. 2001), quoting United States v. Jennings,
4 855 F. Supp. 1427, 1440 (M.D. Pa. 1994).

5 (4) Federal courts, including the United States
6 Courts of Appeals for the Second, Fourth, Sixth,
7 Seventh, Eighth, Ninth, and Eleventh Circuits, have
8 correctly interpreted section 111 of title 18, United
9 States Code, to be a crime of general intent rather
10 than a crime of specific intent.

11 (5) Other Federal courts, including the United
12 States Courts of Appeals for the First, Fifth, and
13 Tenth Circuits, have issued decisions with language
14 arguably suggesting that section 111 of title 18,
15 United States Code, is a crime of specific intent
16 rather than a crime of general intent, creating the
17 appearance of a split among the United States
18 courts of appeals.

19 (6) In light of the appearance of a split among
20 the United States courts of appeals described in
21 paragraph (5), it has become necessary for Congress
22 to clarify its original intent that section 111 of title
23 18, United States Code, is a crime of general intent.

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

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

7 “(1) knew that the victim of the offense was a
 8 person designated in section 1114 or performed offi-
 9 cial duties during service as a person so designated;
 10 or

11 “(2) acted with any intent greater than knowl-
 12 edge.”.

13 **SEC. 5. MOTOR VEHICLES.**

14 Section 2119 of title 18, United States Code, is
 15 amended—

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

17 (A) by striking “, with the intent to cause
 18 death or serious bodily harm”;

19 (B) by inserting a comma after “force and
 20 violence”; and

21 (C) by inserting “or conspires” after “at-
 22 tempts”;

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

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

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

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

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

11 **SEC. 6. PENALTIES FOR FIREARMS OFFENSES.**

12 Section 924(c)(3)(B) is amended to read as follows:

13 “(B) is a conspiracy, or an attempt, to commit
 14 an offense that has as an element the use, attempted
 15 use, or threatened use of physical force against the
 16 person or property of another.”.

17 **SEC. 7. OFFENSES INVOLVING CANDY-FLAVORED CON-**
 18 **TROLLED SUBSTANCES MANUFACTURED OR**
 19 **DISTRIBUTED FOR MINORS.**

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

23 “MANUFACTURING OR DISTRIBUTING CANDY-FLAVORED
 24 CONTROLLED SUBSTANCES FOR MINORS

25 “SEC. 418a. (a) Except as provided in subsection (c)
 26 and in section 418, 419, or 420, a person shall be subject

1 to the penalty described in subsection (b) if the person
2 violates section 401(a)(1)—

3 “(1) by manufacturing, creating, distributing,
4 dispensing, or possessing with intent to distribute a
5 controlled substance listed in schedule I or II that
6 is—

7 “(A) combined with a candy or beverage
8 product;

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

11 “(C) modified by flavoring or coloring to
12 appear similar to a candy or beverage product;
13 and

14 “(2) knowing, or having reasonable cause to be-
15 lieve, that the controlled substance will be distrib-
16 uted, dispensed, or sold to a person under 18 years
17 of age.

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

19 “(1) in the case of a first offense involving the
20 same controlled substance and schedule, an addi-
21 tional term of imprisonment of not more than 10
22 years; and

23 “(2) in the case of a second or subsequent of-
24 fense involving the same controlled substance and

1 schedule, an additional term of imprisonment of not
 2 more than 20 years.

3 “(c) Subsection (a) shall not apply to any controlled
 4 substance that—

5 “(1) has been approved by the Secretary under
 6 section 505 of the Federal Food, Drug, and Cos-
 7 metic Act (21 U.S.C. 355), if the contents, mar-
 8 keting, and packaging of the controlled substance
 9 have not been altered from the form approved by the
 10 Secretary; or

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

14 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 15 The table of contents for the Comprehensive Drug Abuse
 16 Prevention and Control Act of 1970 (Public Law 91–513;
 17 84 Stat. 1236) is amended by inserting after the item re-
 18 lating to section 418 the following:

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

19 (c) SENTENCING GUIDELINES.—Pursuant to its au-
 20 thority under section 994 of title 28, United States Code,
 21 and in accordance with this section, the United States
 22 Sentencing Commission shall amend and review the Fed-
 23 eral sentencing guidelines and policy statements to ensure
 24 that the guidelines provide for a penalty enhancement of

1 not less than 2 offense levels for a violation of section
 2 401(a) of the Controlled Substances Act (21 U.S.C.
 3 841(a)) if the defendant—

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

7 (A) combined with a candy or beverage
 8 product;

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

11 (C) modified by flavoring or coloring to ap-
 12 pear similar to a candy or beverage product;
 13 and

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

17 **SEC. 8. KIDNAPPING.**

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

20 (1) by striking subsection (a) and inserting the
 21 following:

22 “(a) KIDNAPPING.—

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

1 “(A) unlawfully—

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

4 “(I) force and violence; or

5 “(II) intimidation; or

6 “(ii) inveigle or decoy an individual;

7 and

8 “(B) hold the individual described in sub-
9 paragraph (A) for ransom, reward, or other-
10 wise.

11 “(2) EXCEPTION.—Paragraph (1) shall not
12 apply to an act done against a minor by the parent
13 thereof.

14 “(3) CIRCUMSTANCES.—A circumstance de-
15 scribed in this paragraph is that—

16 “(A) the individual is willfully transported
17 in interstate or foreign commerce, regardless of
18 whether the individual was alive when trans-
19 ported across a State boundary, or the offender
20 travels in interstate or foreign commerce or
21 uses the mail or any means, facility, or instru-
22 mentality of interstate or foreign commerce in
23 committing or in furtherance of the commission
24 of the offense;

1 “(B) any such act against the individual is
2 done within the special maritime and territorial
3 jurisdiction of the United States;

4 “(C) any such act against the individual is
5 done within the special aircraft jurisdiction of
6 the United States as defined in section 46501
7 of title 49;

8 “(D) the individual is a foreign official, an
9 internationally protected person, or an official
10 guest as those terms are defined in section
11 1116(b) of this title; or

12 “(E) the individual is among those officers
13 and employees described in section 1114 of this
14 title and any such act against the individual is
15 done while the individual is engaged in, or on
16 account of, the performance of official duties.

17 “(4) PENALTY.—Any person who commits a
18 violation under this subsection shall be punished by
19 imprisonment for any term of years or for life and,
20 if the death of any individual results, shall be pun-
21 ished by death or life imprisonment.”;

22 (2) in subsection (b)—

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

1 (B) by striking “he” and inserting “the
2 victim”; and

3 (C) by striking “under this section” and
4 inserting “under this subsection”; and

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

○