

H.R. 3900, the Justice for Peace Officers Act

Section-by-Section

Sec. 1. SHORT TITLE

Sec. 2. FINDINGS

Sec. 3. ESTABLISHMENT OF FEDERAL CRIME FOR KILLING PEACE OFFICERS AND TRAVELING IN FOREIGN COMMERCE

Amends 18 USC 1121 (Killing persons aiding Federal investigations or State correctional officers):

(c)(1)

- Makes it a federal crime to murder a peace officer, engaged in, or on account of the performance of, such officer's official duties, and flees the country with the intent of avoiding prosecution or confinement after conviction.
- Makes such an act punishable by the death penalty or life imprisonment for 1st degree murder.
- Makes such an act punishable by a mandatory minimum of 30 years or life imprisonment for 2nd degree murder (under the current federal murder statute, 2nd degree murder is punishable by "any term of years or life").

(2)

- Makes the punishment for any individual found guilty of aiding or abetting another individual suspected of violating this provision a minimum of 15 years. The current punishment for aiding or abetting an individual facing the death penalty or life imprisonment is a maximum of 15 years (18 USC 3).

(3)

- Makes any term of imprisonment imposed under this bill consecutive to any other sentence of imprisonment by a Federal or State court or by a court of a foreign state.

(4)

- Gives local/state authorities priority to prosecute suspected cop-killers who flee the country. Violation of this Act may be prosecuted only upon formal approval in writing, upon consultation with the appropriate state or local prosecutor, by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or an Assistant Attorney General of the U.S., which function of approving prosecutions may not be delegated.

(5)

- Defines the term "peace officer" as any officer of the U.S., a State, or political subdivision of a State who is empowered by law to conduct investigations of or to make arrests for offenses against the criminal laws of the U.S., the State, or political subdivision.

(d)

- Rule of Construction - None of the amendments made by this section shall be construed as altering, limiting, or otherwise affecting the jurisdiction of a State over the investigation or prosecution of a State crime that is based on the same facts or elements or a crime described in this Act, including a State's authority and involvement in negotiations related to the extradition of criminal suspects.

Sec. 4. RENEGOTIATION OF THE EXTRADITION TREATY BETWEEN THE UNITED STATES AND THE UNITED MEXICAN STATES.

- Not later than 60 days after the date of enactment of this Act, the Secretary of State shall notify the Government of Mexico of the desire of the United States to enter into formal discussions regarding the Extradition Treaty between the United States, and a discussion of all available actions that the Mexican Government can take to persuade the Mexican Supreme Court to reconsider its October 2001 ruling so that the possibility of life imprisonment will not have an effect on the timely extradition of criminal suspects from Mexico to the United States.