

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S.** \_\_\_\_\_

To prosecute, as a Federal crime, the assault or intimidation of a passenger train crew member in a manner consistent with the prosecution of assault or intimidation of an aircraft crew member.

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IN THE SENATE OF THE UNITED STATES

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Ms. DUCKWORTH (for herself and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To prosecute, as a Federal crime, the assault or intimidation of a passenger train crew member in a manner consistent with the prosecution of assault or intimidation of an aircraft crew member.

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 “Passenger Rail Crew  
5       Protection Act”.

1 **SEC. 2. INTERFERENCE WITH PASSENGER TRAIN CREW**  
2 **MEMBERS.**

3 (a) IN GENERAL.—Chapter 281 of title 49, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 28104. Interference with passenger train crew**  
7 **members**

8 “(a) DEFINITIONS.—In this section:

9 “(1) CREW MEMBER.—The term ‘crew member’  
10 means any of the following employees:

11 “(A) An engineer.

12 “(B) A conductor.

13 “(C) Onboard personnel.

14 “(D) An employee performing , or respon-  
15 sible for, a safety-sensitive function.

16 “(E) An employee performing, or respon-  
17 sible for, any operation, function, or customer  
18 service at an intercity rail station or commuter  
19 rail station.

20 “(2) DANGEROUS WEAPON.—

21 “(A) IN GENERAL.—The term ‘dangerous  
22 weapon’ means a weapon, device, instrument,  
23 material, or animate or inanimate substance  
24 that is used for, or is readily capable of, caus-  
25 ing death or serious bodily injury.

1                   “(B) INCLUSION.—The term ‘dangerous  
2                   weapon’ includes—

3                           “(i) a pocket knife with a blade that  
4                           is less than 2½ inches in length; and

5                           “(ii) a box cutter.

6                   “(3) PASSENGER TRAIN.—The term ‘passenger  
7                   train’ means a passenger train in intercity rail pas-  
8                   senger transportation (as defined in section 24102)  
9                   or commuter rail passenger transportation (as de-  
10                   fined in section 24102).

11                   “(4) SERIOUS BODILY INJURY.—The term ‘seri-  
12                   ous bodily injury’ means a bodily injury that in-  
13                   volves—

14                           “(A) a substantial risk of death;

15                           “(B) extreme physical pain;

16                           “(C) protracted and obvious disfigurement;

17                   or

18                           “(D) protracted loss or impairment of the  
19                   function of—

20                           “(i) a bodily member;

21                           “(ii) an organ; or

22                           “(iii) a mental facility.

23                   “(b) OFFENSE.—It shall be unlawful for any person  
24                   onboard a passenger train in operation, on a platform

1 serving a passenger train in operation, or in a rail sta-  
2 tion—

3 “(1) to assault or intimidate a crew member  
4 and thereby interfere with the performance of the  
5 duties of a crew member or lessen the ability of a  
6 crew member to perform those duties; or

7 “(2) to attempt or conspire to perform an act  
8 described in paragraph (1).

9 “(c) PENALTIES.—A person who violates subsection  
10 (b)—

11 “(1) shall be fined under title 18 or imprisoned  
12 for not more than 8 years, or both; and

13 “(2) if a dangerous weapon is used in assault-  
14 ing or intimidating the crew member, shall be im-  
15 prisoned for not more than 20 years.”.

16 (b) CLERICAL AMENDMENT.—The table of sections  
17 for chapter 281 of title 49, United States Code, is amend-  
18 ed by adding at the end the following:

“§ 28104. Interference with passenger train crew members.”.