

119TH CONGRESS
1ST SESSION

S. _____

To protect hospital personnel from violence, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. HYDE-SMITH (for herself and Mr. KING) introduced the following bill;
which was read twice and referred to the Committee on

A BILL

To protect hospital personnel from violence, and for other
purposes.

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 “Save Healthcare Work-
5 ers Act”.

6 **SEC. 2. PREVENTION OF VIOLENCE AGAINST HOSPITAL**
7 **PERSONNEL.**

8 (a) PROHIBITION ON ASSAULT OF HOSPITAL PER-
9 SONNEL IN THE PERFORMANCE OF DUTIES.—Chapter 7

1 of title 18, United States Code, is amended by adding at
2 the end the following:

3 **“§ 120. Assault of hospital personnel**

4 “(a) IN GENERAL.—Whoever knowingly assaults an
5 individual employed by a hospital engaged in interstate
6 commerce, or an entity contracting with a hospital or
7 other medical facility engaged in interstate commerce, on
8 the grounds of a hospital while the individual is engaged
9 in or on account of duties at the hospital shall be fined
10 under this title, imprisoned for not more than 10 years,
11 or both.

12 “(b) ENHANCED PENALTIES.—

13 “(1) ACTS INVOLVING DANGEROUS WEAPONS
14 OR ACTS THAT RESULT IN BODILY INJURY.—Who-
15 ever, in the commission of any act described in sub-
16 section (a), uses a firearm or dangerous weapon or
17 inflicts serious bodily injury, shall, in addition to the
18 penalties provided for in that subsection, be fined
19 under this title, imprisoned for not more than 20
20 years, or both.

21 “(2) ACTS COMMITTED DURING EMERGENCY
22 DECLARATIONS.—Whoever commits any act de-
23 scribed in subsection (a) during the period of a dec-
24 laration of a public emergency for the area in which

1 the act is committed shall be fined under this title,
2 imprisoned for not more than 20 years, or both.

3 “(c) AFFIRMATIVE DEFENSE.—

4 “(1) IN GENERAL.—It shall be an affirmative
5 defense to a prosecution under this section that—

6 “(A) the defendant is a person with a
7 physical, mental, or intellectual disability;

8 “(B) the conduct of the defendant was a
9 clear and direct manifestation of such disability;
10 and

11 “(C) the defendant, as a result of such dis-
12 ability, was unable to appreciate the nature and
13 quality or wrongfulness of such conduct.

14 “(2) BURDEN OF PROOF.—The defendant has
15 the burden of proving the defense under this sub-
16 section by a preponderance of the evidence.

17 “(d) DEFINITIONS.—In this section:

18 “(1) DANGEROUS WEAPON.—The term ‘dan-
19 gerous weapon’ means a weapon, device, instrument,
20 material, or substance, animate or inanimate, that is
21 used for, or is readily capable of, causing death or
22 serious bodily injury.

23 “(2) DECLARATION OF A PUBLIC EMER-
24 GENCY.—The term ‘declaration of a public emer-
25 gency’ means an emergency or major disaster de-

1 clared by the President pursuant to the Robert T.
2 Stafford Disaster Relief and Emergency Assistance
3 Act (42 U.S.C. 5121 et seq.).

4 “(3) DISABILITY.—The term ‘disability’ means
5 a disability described in section 3(1)(A) of the Amer-
6 icans with Disabilities Act of 1990 (42 U.S.C.
7 12102(1)(A)).

8 “(4) GROUNDS OF A HOSPITAL.—The term
9 ‘grounds of a hospital’ means the hospital buildings
10 and the land used for the purposes of the hospital,
11 including all buildings, roads, paths, and open
12 spaces.

13 “(5) HOSPITAL.—The term ‘hospital’ means
14 any of the following medical facilities:

15 “(A) A hospital (as defined in section
16 1861(e) of the Social Security Act (42 U.S.C.
17 1395x(e))).

18 “(B) A long-term care hospital (as defined
19 in section 1861(ccc) of such Act (42 U.S.C.
20 1395x(ccc))).

21 “(C) A rehabilitation facility (as described
22 in section 1886(j)(1)(A) of such Act (42 U.S.C.
23 1395ww(j)(1)(A))).

1 “(D) A children’s hospital (as described in
2 section 1886(d)(1)(B)(iii) of such Act (42
3 U.S.C. 1395ww(d)(1)(B)(iii))).

4 “(E) A cancer hospital (as described in
5 section 1886(d)(1)(B)(v) of such Act (42
6 U.S.C. 1395ww(d)(1)(B)(v))).

7 “(F) A critical access hospital (as defined
8 in section 1861(mm)(1) of such Act (42 U.S.C.
9 1395x(mm)(1))).

10 “(G) A rural emergency hospital (as de-
11 fined in section 1861(kkk)(2) of such Act (42
12 U.S.C. 1395x(kkk)(2))).

13 “(6) SERIOUS BODILY INJURY.—The term ‘seri-
14 ous bodily injury’ has the meaning given the term in
15 section as the meaning given the term in section
16 1365(h).”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 for chapter 7 of title 18, United States Code, is amended
19 by adding at the end the following:

 “120. Assault of hospital personnel.”.

20 **SEC. 3. GAO STUDY.**

21 The Comptroller General of the United States shall
22 conduct a study on—

23 (1) how this Act, and the amendments made by
24 this Act, has affected workplace violence in
25 healthcare settings; and

1 (2) whether Federal, State, Tribal, and local
2 prosecutions for workplace violence in healthcare set-
3 tings have increased or decreased because of the
4 ability to prosecute these incidents as Federal
5 crimes.