

BACK THE BLUE ACT (S.3366)

Summary

Strengthens Laws to Protect Police Officers

- Creates a new federal crime for killing, attempting to kill, or conspiring to kill a federal judge, federal law enforcement officer, or federally funded public safety officer. The offender would be subject to the death penalty and a mandatory minimum sentence of 30 years if death results; the offender would otherwise face a minimum sentence of 10 years.
- Creates a new federal crime for assaulting a federally funded law enforcement officer with escalating penalties, including mandatory minimums, based on the extent of any injury and the use of a dangerous weapon. However, no prosecution can be commenced absent certification by the Attorney General that prosecution is appropriate.
- Creates a new federal crime for interstate flight from justice to avoid prosecution for killing, attempting to kill, or conspiring to kill a federal judge, federal law enforcement officer, or federally funded public safety officer. The offender would be subject to a mandatory minimum sentence of 10 years for this offense.

Creates a Specific Aggravating Factor for Federal Death Penalty Prosecutions

- Clarifies that the murder or attempted murder of a law enforcement officer or first responder is a statutory aggravating factor for purposes of the federal death penalty.

Limits Federal Habeas Relief for Murders of Law Enforcement Officers

- Imposes time limits and substantive limits on federal courts' review of challenges to state-court convictions for crimes involving the murder of a public safety officer, when the public safety officer was engaged in the performance of official duties or on account of the performance of official duties. These changes are consistent with the fast-track procedures created in 1996, which are applied to federal death penalty cases.

Limits Recovery of Certain Damages and Fees for Individuals Engaged in Felonies

- Limits the type of civil damages and attorney's fees recoverable by a criminal as a result of purported injuries incurred during the commission of a felony or crime of violence.

Expands Self-Defense and Second Amendment Rights for Law Enforcement Officers

- Allows law enforcement officers, subject to limited regulation, to carry firearms into federal facilities and other jurisdictions where such possession is otherwise prohibited.

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