

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
SLAUGHTER OF NEW YORK, OR HER
DESIGNEE, DEBATABLE FOR 10 MINUTES:

2
Rev

**AMENDMENT TO H.R. 3402, AS REPORTED
OFFERED BY Ms. SLAUGHTER OF NEW YORK**

Strike section 321, and insert the following:

1 **SEC. 321. PUBLIC EMPLOYEE UNIFORMS.**

2 (a) IN GENERAL.—Section 716 of title 18, United
3 States Code, is amended—

4 (1) by striking “police badge” each place it ap-
5 pears in subsections (a) and (b) and inserting “offi-
6 cial insignia or article of clothing”;

7 (2) in each of paragraphs (2) and (4) of sub-
8 section (a), by striking “badge of the police” and in-
9 serting “official insignia or article of clothing”;

10 (3) in subsection (b)—

11 (A) by striking “the badge” and inserting
12 “the insignia or article of clothing”; and

13 (B) by inserting “is other than a counter-
14 feit police badge and” before “is used or is in-
15 tended to be used”;

16 (4) in subsection (c)—

17 (A) by striking “and” at the end of para-
18 graph (1);

19 (B) by striking the period at the end of
20 paragraph (2) and inserting “; and”;



1 (C) by adding at the end the following:

2 “(3) the term ‘official insignia or article of
3 clothing’ means an article of distinctive clothing or
4 insignia, including a badge, emblem or identification
5 card, that is an indicium of the authority of a public
6 employee; and

7 “(4) the term ‘public employee’ means any offi-
8 cer or employee of the Federal Government or of a
9 State or local government.”;

10 (5) by adding at the end the following:

11 “(d) It is a defense to a prosecution under this sec-
12 tion that the official insignia or article of clothing is a
13 counterfeit police badge and is used or is intended to be
14 used exclusively—

15 “(1) for a dramatic presentation, such as a the-
16 atrical, film, or television production; or

17 “(2) for legitimate law enforcement purposes.”;
18 and

19 (6) in the heading for the section, by striking
20 “**Police badges**” and inserting “**Public em-
21 ployee insignia and clothing**”.

22 (b) CONFORMING AMENDMENT TO TABLE OF SEC-
23 TIONS.—The item in the table of sections at the beginning
24 of chapter 33 of title 18, United States Code, relating to



1 section 716 is amended by striking “Police badges” and
2 inserting “Public employee insignia and clothing”.

3 (c) DIRECTION TO SENTENCING COMMISSION.—The
4 United States Sentencing Commission is directed to make
5 appropriate amendments to sentencing guidelines, policy
6 statements, and official commentary to assure that the
7 sentence imposed on a defendant who is convicted of a
8 Federal offense while wearing or displaying insignia and
9 clothing received in violation of section 716 of title 18,
10 United States Code, reflects the gravity of this aggra-
11 vating factor.

