

AMENDMENT
OFFERED BY MS. GILLEN OF NEW YORK

At the end of subtitle C of title X, insert the following:

1 **SEC. 10__ . INTERFERENCE WITH PASSENGER TRAIN**
2 **CREW MEMBERS.**

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

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 responsible for, a safety-sensitive function.

15 “(E) An employee performing a function
16 at a rail station in service of a passenger train,
17 including with respect to ticketing, check-in,
18 baggage claim, or boarding.
19

1 “(2) DANGEROUS WEAPON.—The term ‘dan-
2 dangerous weapon’ has the meaning given such term in
3 section 1992(d) of title 18.

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

9 “(4) SERIOUS BODILY INJURY.—The term ‘seri-
10 ous bodily injury’ has the meaning given such term
11 in section 1365(h) of title 18.

12 “(b) OFFENSE.—It shall be unlawful for any person
13 onboard a passenger train in operation, on a platform
14 serving a passenger train in operation, or in a rail station
15 that serves passenger trains—

16 “(1) to assault a crew member and thereby
17 interfere with the performance of the duties of a
18 crew member or lessen the ability of a crew member
19 to perform those duties; or

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

22 “(c) PENALTIES.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), any person who violates subsection (b)

1 shall be fined under title 18, imprisoned for not
2 more than 6 months, or both.

3 “(2) AGGRAVATED PENALTIES.—If a person
4 violates subsection (b)—

5 “(A) by striking, beating, or wounding, the
6 maximum term of imprisonment under para-
7 graph (1) shall be 1 year;

8 “(B) with intent to commit any crime pun-
9 ishable by more than 1 year of imprisonment,
10 except murder, the maximum term of imprison-
11 ment under paragraph (1) shall be 10 years;

12 “(C) with a dangerous weapon or with in-
13 tent to cause bodily harm, the maximum term
14 of imprisonment under paragraph (1) shall be
15 10 years;

16 “(D) and the violation results in serious
17 bodily injury, the maximum term of imprison-
18 ment under paragraph (1) shall be 10 years; or

19 “(E) with intent to commit murder, the
20 maximum term of imprisonment under para-
21 graph (1) shall be 20 years.”.

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

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

