

Law Enforcement Officer “Good Samaritan Act”

Lexis reports the following under 28 USC 2671 (Federal Torts Claim Act)

When does law enforcement officer act within scope of office or employment; rule of construction. Act Oct. 21, 1998, P.L. 105-277, § 101(h) [Title VI, § 627], 112 Stat. 2681-519; Sept. 29, 1999, P.L. 106-58, Title VI, § 623, 113 Stat. 471, provides:

"(a) Definitions. In this section--

"(1) the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code; and

"(2) the term 'law enforcement officer' means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5, United States Code; and any special agent in the Diplomatic Security Service of the Department of State.

"(b) Rule of construction. Effective on the date of the enactment of this Act and thereafter, and notwithstanding any other provision of law, for purposes of chapter 171 of title 28, United States Code [28 USCS §§ 2671 et seq.], or any other provision of law relating to tort liability, a law enforcement officer shall be construed to be acting within the scope of his or her office or employment, if the officer takes reasonable action, including the use of force, to--

"(1) protect an individual in the presence of the officer from a crime of violence;

"(2) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

"(3) prevent the escape of any individual who the officer reasonably believes to have committed in the presence of the officer a crime of violence."

Definition of “law enforcement officer”

5 USC 8401 (17) provides:

(17) the term "law enforcement officer" means--

(A) an employee, the duties of whose position--

(i) are primarily--

(I) the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, or

(II) the protection of officials of the United States against threats to personal safety; and

(ii) are sufficiently rigorous that employment opportunities should be limited to young and physically vigorous individuals, as determined by the Director considering the recommendations of the employing agency;

(B) an employee of the Department of the Interior or the Department of the Treasury (excluding any employee under subparagraph (A)) who occupies a position that, but for the enactment of the Federal Employees' Retirement System Act of 1986, would be subject to the District of Columbia Police and Firefighters' Retirement System, as determined by the Secretary of the Interior or the Secretary of the Treasury, as appropriate;

(C) an employee who is transferred directly to a supervisory or administrative position after performing duties described in subparagraph (A) and (B) for at least 3 years; and

(subsequent provisions not applicable to define “law enforcement officer for purposes of the FTCA. KHH)

“Crime of violence” defined

18 USC § 16. Crime of violence defined

The term "crime of violence" means--

(a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

(b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.