

117TH CONGRESS
2D SESSION

H. R. 9583

To amend title 18, United States Code, to provide protections for nonviolent political protesters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 15, 2022

Mr. GOHMERT introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Permanent Select Committee on Intelligence, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 18, United States Code, to provide protections for nonviolent political protesters, 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 “Matthew Lawrence
5 Perna Act of 2022”.

1 **SEC. 2. RELEASE OF A DEFENDANT PENDING TRIAL FOR**
2 **NONVIOLENT POLITICAL PROTESTERS; RE-**
3 **COVERY FOR CERTAIN DEFENDANTS DE-**
4 **TAINED.**

5 Section 3142 of title 18, United States Code, is
6 amended by adding at the end the following:

7 “(k) NO DETENTION FOR NONVIOLENT POLITICAL
8 PROTESTERS.—

9 “(1) IN GENERAL.—A person charged with a
10 covered political protest offense, and not charged
11 with any crime of violence (as such term is defined
12 in section 16(a)) may not be detained under this sec-
13 tion.

14 “(2) COVERED POLITICAL PROTEST OFFENSE
15 DEFINED.—In this subsection, the term ‘covered po-
16 litical protest offense’ means an offense—

17 “(A) arising out of political protest activi-
18 ties; and

19 “(B) which is not a crime of violence (as
20 such term is defined in section 16(a)).

21 “(l) CIVIL ACTION.—A person who is tried for a Fed-
22 eral offense and is not convicted, or charged with an of-
23 fense and the charges are dropped, and the person was
24 detained during the pendency of the trial or charges, may
25 bring an action in a district court of the United States

1 against the United States and any officer or employee of
2 the United States seeking compensatory damages.”.

3 **SEC. 3. SPEEDY TRIAL FOR NONVIOLENT POLITICAL PRO-**
4 **TESTERS.**

5 Section 3161(a) of title 18, United States Code, is
6 amended by inserting after “In any case involving a de-
7 fendant charged with an offense” the following: “(includ-
8 ing a covered political offense (as such term is defined in
9 section 3142(k))”.

10 **SEC. 4. REMEDIES AVAILABLE FOR MALICIOUS OVER-**
11 **PROSECUTION.**

12 (a) IN GENERAL.—Section 2680(h) of title 28,
13 United States Code, is amended by inserting “malicious
14 overprosecution,” after “false arrest, malicious prosecu-
15 tion,”.

16 (b) DEFINITIONS.—Section 2671 of title 28, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

19 “The term ‘malicious prosecution’ means charging a
20 person with an offense when the official filing such
21 charges knows or has reason to know that there is not
22 probable cause to believe that the person committed the
23 offense, and because of personal or political animosity,
24 bias, or otherwise not in the interest of justice.

1 “The term ‘malicious overprosecution’ means mali-
2 cious prosecution that involves charging a person with an
3 offense that is grossly disproportionate to conduct al-
4 leged.”.

5 **SEC. 5. LIMITATION ON USE OF NATIONAL SECURITY AU-**
6 **THORITY.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, a national security authority may not be used
9 by a Government official against a citizen of the United
10 States, unless the citizen is intentionally acting as agent
11 of a foreign power or entity.

12 (b) DEFINITION.—In this section, the term “national
13 security authority” means—

14 (1) any authority under the National Security
15 Act of 1947 or any authority conferred onto any of
16 the departments, agencies, councils, committees or
17 any other entities created, established, restructured,
18 or otherwise governed by such Act; and

19 (2) any authority exercised by the National Se-
20 curity Division of the Department of Justice, the
21 National Security Branch of the Federal Bureau of
22 Investigation, or the Intelligence Branch of the Fed-
23 eral Bureau of Investigation.

1 **SEC. 6. DISCLOSURE OF INVESTIGATIONS OF CITIZENS OF**
2 **THE UNITED STATES.**

3 The provisions of section 552(b) of title 5, United
4 States Code, do not apply with respect to a request made
5 by a United States citizen that requests information about
6 whether the United States is or was surveilling or inves-
7 tigating the citizen.

8 **SEC. 7. SENSE OF CONGRESS REGARDING SENTENCING**
9 **COVERED POLITICAL PROTEST OFFENSES.**

10 It is the sense of Congress that in sentencing a de-
11 fendant for a covered political protest offense (as such
12 term is defined in section 3142 of title 18, United States
13 Code), a judge should impose a sentence that is consistent
14 with the minimum sentence provided by the guideline
15 range applicable to the defendant.

16 **SEC. 8. TRANSFER OF VENUE.**

17 Notwithstanding any other provision of law, in the
18 criminal trial of any individual for the commission of a
19 criminal offense in the District of Columbia, the individual
20 on trial may choose venue for the proceedings and trial
21 to be in the district court for the district and division em-
22 bracing that individual's primary residence.

