

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5688

To amend title 18, United States Code, to provide a criminal penalty for torture committed by law enforcement officers and others acting under color of law.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2010

Mr. DAVIS of Illinois (for himself, Mr. JACKSON of Illinois, and Mr. RUSH) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to provide a criminal penalty for torture committed by law enforcement officers and others acting under color of law.

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 “Law Enforcement Tor-  
5 ture Prevention Act of 2010”.

1 **SEC. 2. TORTURE COMMITTED BY LAW ENFORCEMENT OF-**  
2 **FICERS AND OTHER ACTING UNDER COLOR**  
3 **OF LAW.**

4 (a) IN GENERAL.—Chapter 13 of title 18, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 **“§ 250. Torture committed by law enforcement offi-**  
8 **cers and others acting under color of law**

9 “(a) Whoever, acting under color of local, State, or  
10 Federal law, commits or attempts or conspires to commit  
11 torture shall be imprisoned for not more than 10 years,  
12 but if death results to any person from the offense, the  
13 offender shall be imprisoned for any term of years or for  
14 life.

15 “(b) A person may be prosecuted, tried, or punished  
16 for an offense under this section at any time without limi-  
17 tation.

18 “(c) In this section—

19 “(1) the term ‘torture’ means intentionally in-  
20 flicting severe pain or suffering, whether physical or  
21 mental, on a person for such purposes as obtaining  
22 from that person or another information or a confes-  
23 sion, punishing that person, or intimidating or coerc-  
24 ing that person or another, or for any reason based  
25 on discrimination of any kind, but does not include

1 pain or suffering arising only from, inherent in, or  
2 incidental to, lawful sanctions; and

3 “(2) the term ‘inflicting severe pain or suf-  
4 fering’ means—

5 “(A) causing or threatening to inflict se-  
6 vere pain or suffering;

7 “(B) the administration or application, or  
8 threatened administration or application, of  
9 mind-altering substances or other procedures  
10 calculated to disrupt profoundly the senses or  
11 the personality;

12 “(C) the threat of imminent death; or

13 “(D) the threat that another person will  
14 imminently be subjected to death, severe phys-  
15 ical pain or suffering, or the administration or  
16 application of mind-altering substances or other  
17 procedures calculated to disrupt profoundly the  
18 senses or personality.”.

19 (b) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of chapter 13 of title 18, United States  
21 Code, is amended by adding at the end the following:

“250. Torture committed by law enforcement officers and others acting under  
color of law.”.

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