

114TH CONGRESS
1ST SESSION

S. 2112

To require law enforcement agencies to report the use of lethal force, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 2015

Mr. SCOTT (for himself and Mr. GRASSLEY) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To require law enforcement agencies to report the use of
lethal force, 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 “Walter Scott Notifica-
5 tion Act of 2015”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “law enforcement officer” has the
9 meaning given the term in section 3673 of title 18,
10 United States Code; and

1 (2) the term “State” has the meaning given the
 2 term in section 901(a) of title I of the Omnibus
 3 Crime Control and Safe Streets Act of 1968 (42
 4 U.S.C. 3791(a)).

5 **SEC. 3. STATE INFORMATION REGARDING USE OF LETHAL**
 6 **FORCE BY LAW ENFORCEMENT OFFICERS.**

7 (a) IN GENERAL.—For each fiscal year in which a
 8 State receives funds for a program described in subsection
 9 (c), the State shall report to the Attorney General, on an
 10 annual basis and pursuant to guidelines established by the
 11 Attorney General, information regarding any discharge of
 12 a firearm by a law enforcement officer which results in
 13 the death of a civilian.

14 (b) INFORMATION REQUIRED.—The report required
 15 under subsection (a) shall contain information that, at a
 16 minimum, includes—

17 (1) the number of decedents and the number of
 18 law enforcement officers who discharged a firearm;

19 (2) the age, sex, race, and ethnicity of each de-
 20 cedent;

21 (3) any mental health issue of a decedent that
 22 was observed or reported;

23 (4) the age, sex, race, and ethnicity of each law
 24 enforcement officer;

25 (5) a brief description of the event;

1 (6) the alleged criminal activity of each decedent prior to the use of force;

3 (7) whether each decedent was armed and the type of weapon the decedent had;

5 (8) a description of the weapon used by each law enforcement officer;

7 (9) a brief description of any injury sustained by a law enforcement officer;

9 (10) a brief description of the finding of the law enforcement agency as to whether the use of deadly force was justified or unjustified; and

12 (11) the case disposition, including whether—

13 (A) the case was cleared by departmental review or referred to a prosecuting authority;

15 (B) criminal charges were filed;

16 (C) prosecution was declined;

17 (D) a grand jury returned a No True Bill;

18 or

19 (E) a court entered an acquittal or a conviction.

21 (c) COMPLIANCE.—

22 (1) INELIGIBILITY FOR FUNDS.—For any fiscal year beginning after the date of enactment of this Act, a State that fails to comply with subsection (a), shall be subject to a 10-percent reduction of the

1 funds that would otherwise be allocated for that fis-
 2 cal year to the State under subpart 1 of part E of
 3 title I of the Omnibus Crime Control and Safe
 4 Streets Act of 1968 (42 U.S.C. 3750 et seq.),
 5 whether characterized as the Edward Byrne Memo-
 6 rial State and Local Law Enforcement Assistance
 7 Programs, the Local Government Law Enforcement
 8 Block Grants Program, the Edward Byrne Memorial
 9 Justice Assistance Grant Program, or otherwise.

10 (2) REALLOCATION.—Amounts not allocated
 11 under a program referred to in paragraph (1) to a
 12 State for failure to comply with subsection (a) shall
 13 be reallocated under the program to States that have
 14 complied with subsection (a).

15 (d) PREFERENTIAL CONSIDERATION.—Section 1701
 16 of title I of the Omnibus Crime Control and Safe Streets
 17 Act of 1968 (42 U.S.C. 3796dd) is amended by adding
 18 at the end the following:

19 “(1) USE OF FORCE REPORTING.—

20 “(1) PREFERENTIAL CONSIDERATION.—For the
 21 first fiscal year beginning after the date of enact-
 22 ment of this subsection and the 3 fiscal years there-
 23 after, the Attorney General may give preferential
 24 consideration, where feasible, to an application from
 25 an applicant in a State that is in full compliance

1 with section 3(a) of the Walter Scott Notification
2 Act of 2015.

3 “(2) REDUCTION OF GRANT AMOUNTS.—Begin-
4 ning in the fifth fiscal year beginning after the date
5 of enactment of this subsection, a State that fails to
6 comply with section 3(a) of the Walter Scott Notifi-
7 cation Act of 2015 shall be subject to a 20-percent
8 reduction of the funds that would otherwise be allo-
9 cated for the fiscal year to the State under this part.

10 “(3) REALLOCATION.—Amounts not allocated
11 under this part to a State for failure to comply with
12 section 3(a) of the Walter Scott Notification Act of
13 2015 shall be reallocated to States that have com-
14 plied with such section.”.

15 (e) INDEPENDENT AUDIT AND REVIEW.—Not later
16 than 1 year after the date of enactment of this Act, and
17 each year thereafter, the Attorney General shall conduct
18 an audit and review of the information provided under
19 subsection (a) to determine whether each State receiving
20 funds under section 505(a) of title I of the Omnibus Crime
21 Control and Safe Streets Act of 1968 (42 U.S.C. 3755(a))
22 or under part Q of title I of the Omnibus Crime Control
23 and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.)
24 unless the State has ensured, to the satisfaction of the

1 Attorney General, that the State is in substantial compli-
 2 ance with the requirements of this section.

3 (f) PUBLIC AVAILABILITY OF DATA.—

4 (1) IN GENERAL.—Not later than 1 year after
 5 the date of enactment of this Act, and each year
 6 thereafter, the Attorney General shall publish, and
 7 make available to the public, a report containing the
 8 data reported to the Attorney General under sub-
 9 section (a).

10 (2) PRIVACY PROTECTIONS.—Nothing in this
 11 subsection shall be construed to supersede the re-
 12 quirements or limitations under section 552a of title
 13 5, United States Code (commonly known as the
 14 “Privacy Act of 1974”).

15 (g) GUIDANCE.—Not later than 180 days after the
 16 date of enactment of this Act, the Attorney General, in
 17 coordination with the Director of the Federal Bureau of
 18 Investigation, shall issue guidance on best practices relat-
 19 ing to establishing standard data collection systems that
 20 capture the information required to be reported under sub-
 21 section (a), which shall include standard and consistent
 22 definitions for terms.

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