

114TH CONGRESS  
1ST SESSION

# S. 238

To amend title 18, United States Code, to authorize the Director of the Bureau of Prisons to issue oleoresin capsicum spray to officers and employees of the Bureau of Prisons.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2015

Mr. TOOMEY (for himself, Mr. CASEY, Mr. MANCHIN, Mr. VITTER, and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to authorize the Director of the Bureau of Prisons to issue oleoresin capsicum spray to officers and employees of the Bureau of Prisons.

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 “Eric Williams Correc-  
5 tional Officer Protection Act of 2015”.

1 **SEC. 2. OFFICERS AND EMPLOYEES OF THE BUREAU OF**  
 2 **PRISONS AUTHORIZED TO CARRY OLEORESIN**  
 3 **CAPSICUM SPRAY.**

4 (a) IN GENERAL.—Chapter 303 of part III of title  
 5 18, United States Code, is amended by adding at the end  
 6 the following:

7 **“§ 4049. Officers and employees of the Bureau of Pris-**  
 8 **ons authorized to carry oleoresin cap-**  
 9 **sicum spray**

10 “(a) IN GENERAL.—The Director of the Bureau of  
 11 Prisons shall issue, on a routine basis, oleoresin capsicum  
 12 spray to—

13 “(1) any officer or employee of the Bureau of  
 14 Prisons who—

15 “(A) is employed in a prison that is not a  
 16 minimum or low security prison; and

17 “(B) may respond to an emergency situa-  
 18 tion in such a prison; and

19 “(2) to such additional officers and employees  
 20 of prisons as the Director determines appropriate, in  
 21 accordance with this section.

22 “(b) TRAINING REQUIREMENT.—

23 “(1) IN GENERAL.—In order for an officer or  
 24 employee of the Bureau of Prisons, including a cor-  
 25 rectional officer, to be eligible to receive and carry  
 26 oleoresin capsicum spray pursuant to this section,

1 the officer or employee shall complete a training  
 2 course before being issued such spray, and annually  
 3 thereafter, on the use of oleoresin capsicum spray.

4 “(2) TRANSFERABILITY OF TRAINING.—An offi-  
 5 cer or employee of the Bureau of Prisons who com-  
 6 pletes a training course pursuant to paragraph (1)  
 7 and subsequently transfers to employment at a dif-  
 8 ferent prison, shall not be required to complete an  
 9 additional training course solely due such transfer.

10 “(3) TRAINING CONDUCTED DURING REGULAR  
 11 EMPLOYMENT.—An officer or employee of the Bu-  
 12 reau of Prisons who completes a training course re-  
 13 quired under paragraph (1) shall do so during the  
 14 course of that officer or employee’s regular employ-  
 15 ment, and shall be compensated at the same rate  
 16 that the officer or employee would be compensated  
 17 for conducting the officer or employee’s regular du-  
 18 ties.

19 “(c) USE OF OLEORESIN CAPSICUM SPRAY.—Offi-  
 20 cers and employees of the Bureau of Prisons issued oleo-  
 21 resin capsicum spray pursuant to subsection (a) may use  
 22 such spray to reduce acts of violence—

23 “(1) committed by prisoners against themselves,  
 24 other prisoners, prison visitors, and officers and em-  
 25 ployees of the Bureau of Prisons; and

1 “(2) committed by prison visitors against them-  
 2 selves, prisoners, other visitors, and officers and em-  
 3 ployees of the Bureau of Prisons.”.

4 (b) CLERICAL AMENDMENT.—The table of sections  
 5 for chapter 303 of part III of title 18, United States Code,  
 6 is amended by inserting after the item relating to section  
 7 4048 the following:

“4049. Officers and employees of the Bureau of Prisons authorized to carry oleo-  
 resin capsicum spray.”.

8 **SEC. 3. GAO REPORT.**

9 Not later than the date that is 3 years after the date  
 10 on which the Director of the Bureau of Prisons begins  
 11 to issue oleoresin capsicum spray to officers and employees  
 12 of the Bureau of Prisons pursuant to section 4049 of title  
 13 18, United States Code, as added by this Act, the Comp-  
 14 troller General of the United States shall submit to Con-  
 15 gress a report that includes the following:

16 (1) An evaluation of the effectiveness of issuing  
 17 oleoresin capsicum spray to officers and employees  
 18 of the Bureau of Prisons in prisons that are not  
 19 minimum or low security prisons on—

20 (A) reducing crime in such prisons; and

21 (B) reducing acts of violence committed by  
 22 prisoners against themselves, other prisoners,  
 23 prison visitors, and officers and employees of  
 24 the Bureau of Prisons in such prisons.

1           (2) An evaluation of the advisability of issuing  
2           oleoresin capsicum spray to officers and employees  
3           of the Bureau of Prisons in prisons that are min-  
4           imum or low security prisons, including—

5                   (A) the effectiveness that issuing such  
6                   spray in such prisons would have on reducing  
7                   acts of violence committed by prisoners against  
8                   themselves, other prisoners, prison visitors, and  
9                   officers and employees of the Bureau of Prisons  
10                  in such prisons; and

11                   (B) the cost of issuing such spray in such  
12                  prisons.

13           (3) Recommendations to improve the safety of  
14           officers and employees of the Bureau of Prisons in  
15           prisons.

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