

115TH CONGRESS
1ST SESSION

H. R. 1856

To amend title 28, United States Code, with respect to certain tort claims arising out of the criminal misconduct of confidential informants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2017

Mr. LYNCH introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, with respect to certain tort claims arising out of the criminal misconduct of confidential informants, 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 “Justice for Victims
5 of Confidential Informant Crime Act of 2017”.

6 **SEC. 2. TORT CLAIMS ARISING OUT OF THE CRIMINAL MIS-**
7 **CONDUCT OF A CONFIDENTIAL INFORMANT.**

8 (a) IN GENERAL.—Section 2401(b) of title 28,
9 United States Code, is amended—

1 (1) by striking “A tort claim” and inserting
2 “(1) Except as provided in paragraph (2)”; and

3 (2) by adding at the end the following:

4 “(2) In the case of a claim arising out of the
5 conduct of an employee of the Government with re-
6 spect to the criminal misconduct of a Government
7 informant, paragraph (1) shall be applied by sub-
8 stituting ‘three years and six months’ for ‘two
9 years’.”.

10 (b) RETROACTIVE EFFECT.—The amendments made
11 by this section shall apply with respect to any claim that—

12 (1) accrued on or after May 1, 1981; and

13 (2) in the case of a claim that accrued before
14 the date of enactment of this Act, is presented not
15 later than one year after that date.

16 (c) PRECLUSION OF CERTAIN DEFENSES OR BARS.—

17 The Government may not assert a defense or a bar, based
18 on the doctrine of res judicata or collateral estoppel, to
19 a claim that—

20 (1) accrued before the date of enactment of this
21 Act; and

22 (2) to which the amendments made by this sec-
23 tion apply.

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