

115TH CONGRESS
1ST SESSION

H. R. 1870

To require that States receiving Byrne JAG funds to require sensitivity training for law enforcement officers of that State and to incentivize States to enact laws requiring the independent investigation and prosecution of the use of deadly force by law enforcement officers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2017

Mr. COHEN (for himself, Mr. BROWN of Maryland, Ms. ADAMS, Ms. BASS, Mrs. BEATTY, Mr. BEYER, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Ms. JUDY CHU of California, Mr. CICILLINE, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. CONYERS, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Ms. DELAURO, Mrs. DINGELL, Mr. ELLISON, Ms. ESHOO, Mr. FOSTER, Ms. FUDGE, Mr. GALLEGRO, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIÉRREZ, Mr. HASTINGS, Ms. JACKSON LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. KELLY of Illinois, Mr. KILDEE, Mr. LANGEVIN, Mr. LEWIS of Georgia, Mr. TED LIEU of California, Ms. LOFGREN, Mr. LOWENTHAL, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS, Ms. MENG, Ms. MOORE, Mr. NADLER, Mr. NORCROSS, Ms. NORTON, Mr. O’ROURKE, Mr. PASCRELL, Mr. PAYNE, Ms. PINGREE, Mr. POCAN, Mr. QUIGLEY, Mr. RICHMOND, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. SÁNCHEZ, Ms. SCHAKOWSKY, Mr. DAVID SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SEWELL of Alabama, Mr. SIRES, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SPEIER, Mr. TAKANO, Mr. TONKO, Mr. VEASEY, Ms. VELÁZQUEZ, Ms. MAXINE WATERS of California, Mrs. WATSON COLEMAN, Mr. YARMUTH, Mr. PALLONE, Mr. EVANS, Ms. JAYAPAL, Mr. CLYBURN, Mr. ESPAILLAT, Mr. RASKIN, Mr. SOTO, Mr. KHANNA, Ms. BARRAGÁN, Mr. POLIS, Mr. ENGEL, Ms. WILSON of Florida, Ms. LEE, Mr. JEFFRIES, Mr. THOMPSON of Mississippi, Mrs. LAWRENCE, and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require that States receiving Byrne JAG funds to require sensitivity training for law enforcement officers of that State and to incentivize States to enact laws requiring the independent investigation and prosecution of the use of deadly force by law enforcement officers, 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 “Police Training and
5 Independent Review Act of 2017”.

6 **SEC. 2. TRAINING ON DIVERSITY AND SENSITIVITY FOR**
7 **LAW ENFORCEMENT.**

8 (a) TRAINING REQUIREMENT.—For each fiscal year
9 after the expiration of the period specified in subsection
10 (b)(1) in which a State receives funds for a program re-
11 ferred to in subsection (b)(2), the State shall require that
12 all individuals enrolled in an academy of a law enforce-
13 ment agency of the State and all law enforcement officers
14 of the State fulfill a training session on sensitivity each
15 fiscal year, including training on ethnic and racial bias,
16 cultural diversity, and police interaction with the disabled,
17 mentally ill, and new immigrants. In the case of individ-
18 uals attending an academy, such training session shall be
19 for 8 hours, and in the case of all other law enforcement

1 officers, the training session shall be for 4 hours. The
2 State shall certify to the Attorney General of the United
3 States that such training sessions have been completed.

4 (b) COMPLIANCE AND INELIGIBILITY.—

5 (1) COMPLIANCE DATE.—Each State shall have
6 not more than 120 days, beginning on the date of
7 enactment of this Act, to comply with subsection (a),
8 except that—

9 (A) the Attorney General may grant an ad-
10 ditional 120 days to a State that is making
11 good faith efforts to comply with such sub-
12 section; and

13 (B) the Attorney General shall waive the
14 requirements of subsection (a) if compliance
15 with such subsection by a State would be un-
16 constitutional under the constitution of such
17 State.

18 (2) INELIGIBILITY FOR FUNDS.—For any fiscal
19 year after the expiration of the period specified in
20 paragraph (1), a State that fails to comply with sub-
21 section (a), shall, at the discretion of the Attorney
22 General, be subject to not more than a 20-percent
23 reduction of the funds that would otherwise be allo-
24 cated for that fiscal year to the State under subpart
25 1 of part E of title I of the Omnibus Crime Control

1 and Safe Streets Act of 1968 (42 U.S.C. 3750 et
2 seq.), whether characterized as the Edward Byrne
3 Memorial State and Local Law Enforcement Assist-
4 ance Programs, the Local Government Law Enforce-
5 ment Block Grants Program, the Edward Byrne Me-
6 morial Justice Assistance Grant Program, or other-
7 wise.

8 (c) REALLOCATION.—Amounts not allocated under a
9 program referred to in subsection (b)(2) to a State for
10 failure to fully comply with subsection (a) shall be reallo-
11 cated under that program to States that have not failed
12 to comply with such subsection.

13 **SEC. 3. INDEPENDENT REVIEW OF LAW ENFORCEMENT USE**
14 **OF DEADLY FORCE.**

15 (a) IN GENERAL.—In the case of a State or unit of
16 local government that received a grant award under sub-
17 part 1 of part E of title I of the Omnibus Crime Control
18 and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.),
19 if that State or unit of local government fails by the end
20 of a fiscal year to enact or have in effect an independent
21 prosecution of law enforcement law, the Attorney General
22 shall reduce the amount that would otherwise be awarded
23 to that State or unit of local government under such grant
24 program in the following fiscal year by 20 percent.

1 (b) REALLOCATION.—Amounts not allocated under a
2 program referred to in subsection (a) to a State for failure
3 to be in compliance with this section shall be reallocated
4 under that program to States that are in compliance with
5 this section.

6 **SEC. 4. DEFINITIONS.**

7 In this Act:

8 (1) The term “deadly force” means that force
9 which a reasonable person would consider likely to
10 cause death or serious bodily harm.

11 (2) The term “independent prosecution of law
12 enforcement law” means a statute requiring the ap-
13 pointment of an independent prosecutor to conduct
14 any criminal investigation and prosecution in
15 which—

16 (A) one or more of the possible defendants
17 is a law enforcement officer;

18 (B) one or more of the alleged offenses in-
19 volves the law enforcement officer’s use of dead-
20 ly force in the course of carrying out that offi-
21 cer’s duty; and

22 (C) the law enforcement officer’s use of
23 deadly force resulted in a death or injury.

1 (3) The term “independent prosecutor” means,
2 with respect to a criminal investigation or prosecu-
3 tion, a prosecutor who—

4 (A) does not live or work in the same
5 county as the county in which the alleged crime
6 was committed; and

7 (B) would not be involved in the prosecu-
8 tion in the ordinary course of that prosecutor’s
9 duties.

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