

115TH CONGRESS
2D SESSION

H. R. 6568

To amend title 18, United States Code, to make it a criminal offense for Federal law enforcement officers to engage in sexual acts with individuals in their custody, to encourage States to adopt similar laws, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2018

Ms. SPEIER (for herself and Mrs. COMSTOCK) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to make it a criminal offense for Federal law enforcement officers to engage in sexual acts with individuals in their custody, to encourage States to adopt similar laws, 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 “Closing the Law En-
5 forcement Consent Loophole Act of 2018”.

1 **SEC. 2. FEDERAL LAW ENFORCEMENT OFFICERS PROHIB-**
2 **ITED FROM ENGAGING IN SEXUAL ACTS WITH**
3 **INDIVIDUALS IN THEIR CUSTODY.**

4 (a) IN GENERAL.—Section 2243 of title 18, United
5 States Code, is amended—

6 (1) by adding at the end the following: “, OR
7 OF INDIVIDUAL IN THE CUSTODY OF A FEDERAL
8 LAW ENFORCEMENT OFFICER”;

9 (2) by redesignating subsections (c) and (d) as
10 subsections (d) and (e);

11 (3) by inserting after subsection (b) the fol-
12 lowing:

13 “(c) OF INDIVIDUAL IN THE CUSTODY OF A FED-
14 ERAL LAW ENFORCEMENT OFFICER.—Whoever, being a
15 Federal law enforcement officer, knowingly engages in a
16 sexual act with an individual who is under arrest, in deten-
17 tion, or otherwise in the actual custody of that Federal
18 law enforcement officer, shall be fined under this title, im-
19 prisoned not more than 15 years, or both.”; and

20 (4) in subsection (d), as so redesignated, by
21 adding at the end the following:

22 “(3) In a prosecution under subsection (c), it is
23 not a defense that the other person consented to the
24 sexual act.”.

25 (b) DEFINITION.—Section 2246 of title 18, United
26 States Code, is amended—

1 (1) in paragraph (5), by striking “and” at the
2 end;

3 (2) in paragraph (6), by striking the period at
4 the end and inserting “; and”; and

5 (3) by inserting after paragraph (6) the fol-
6 lowing:

7 “(7) the term ‘Federal law enforcement officer’
8 means an officer or employee of the United States,
9 the duties of whose position are primarily the inves-
10 tigation, apprehension, or detention of individuals
11 suspected or convicted of offenses against the crimi-
12 nal laws of the United States.”.

13 (c) CLERICAL AMENDMENT.—The table of sections
14 for chapter 109A of title 18, United States Code, is
15 amended by amending the item related to section 2243
16 to read as follows:

 “2243. Sexual abuse of a minor or ward, or of an individual in the custody of
 a Federal law enforcement officer.”.

17 **SEC. 3. INCENTIVES FOR STATES.**

18 (a) AUTHORITY TO MAKE GRANTS.—The Attorney
19 General is authorized to make grants to States that have
20 in place a law that—

21 (1) makes it a criminal offense for a law en-
22 forcement officer in that State to engage in a sexual
23 act with an individual who is under arrest, in deten-

1 tion, or otherwise in the actual custody of that law
2 enforcement officer; and

3 (2) prohibits a law enforcement officer charged
4 with such an offense from asserting the consent of
5 the other individual as a defense.

6 (b) REPORTING REQUIREMENT.—A State that re-
7 ceives a grant under this section shall submit to the Attor-
8 ney General, on an annual basis, information on the num-
9 ber of reports made to law enforcement agencies in that
10 State regarding law enforcement officers engaging in a
11 sexual act with an individual described in paragraph (1),
12 during the previous year.

13 (c) APPLICATION.—A State seeking a grant under
14 this section shall submit an application to the Attorney
15 General at such time, in such manner, and containing
16 such information as the Attorney General may reasonably
17 require, including information about the law described in
18 subsection (a).

19 (d) GRANT AMOUNT.—The amount of a grant to a
20 State under this Act shall be in an amount that is not
21 greater than 10 percent of the average of the total amount
22 of funding of the 3 most recent awards that the State re-
23 ceived under the following grant programs:

24 (1) Part T of title I of the Omnibus Crime Con-
25 trol and Safe Streets Act of 1968 (34 U.S.C. 10441

1 et seq.) (commonly referred to as the “STOP Violence Against Women Formula Grant Program”).

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3 (2) Section 41601 of the Violence Against Women Act of 1994 (34 U.S.C. 12511) (commonly referred to as the “Sexual Assault Services Program”).

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7 (e) GRANT TERM.—

8 (1) IN GENERAL.—The Attorney General shall provide an increase in the amount provided to a State under the grant programs described in subsection (d) for a 2-year period.

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12 (2) RENEWAL.—A State that receives a grant under this section may submit an application for a renewal of such grant at such time, in such manner, and containing such information as the Attorney General may reasonably require.

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17 (3) LIMIT.—A State may not receive a grant under this section for more than 4 years.

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19 (f) USES OF FUNDS.—A State that receives a grant under this section shall use—

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21 (1) 25 percent of such funds for any of the permissible uses of funds under the grant program described in paragraph (1) of subsection (d); and

1 (2) 75 percent of such funds for any of the per-
2 missible uses of funds under the grant program de-
3 scribed in paragraph (2) of subsection (d).

4 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this chapter
6 \$5,000,000 for each of fiscal years 2019 through 2023.

7 **SEC. 4. REPORT TO CONGRESS.**

8 The Attorney General shall submit to Congress, on
9 an annual basis, a report containing—

10 (1) the information required to be reported to
11 the Attorney General under section 3(b); and

12 (2) information on the number of reports made,
13 during the previous year, to Federal law enforce-
14 ment agencies regarding Federal law enforcement
15 officers engaging in a sexual act with an individual
16 who is under arrest, in detention, or otherwise in the
17 actual custody of the law enforcement officer.

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