

116TH CONGRESS
2D SESSION

S. 3873

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

IN THE SENATE OF THE UNITED STATES

JUNE 3, 2020

Mr. SCOTT of South Carolina (for himself, Mr. GRASSLEY, Ms. ERNST, Mr. LANKFORD, and Mr. CRAMER) 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 2020”.

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 (34
4 U.S.C. 10251(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 dece-
2 dent prior to the use of force;

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

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

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

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

12 (11) the case disposition, including whether—

13 (A) the case was cleared by departmental
14 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 con-
20 viction.

21 (c) COMPLIANCE.—

22 (1) INELIGIBILITY FOR FUNDS.—For any fiscal
23 year beginning after the date of enactment of this
24 Act, a State that fails to comply with subsection (a),
25 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 (34 U.S.C. 10151 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 (34 U.S.C. 10381) is amended by adding at
18 the end the following:

19 “(n) 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 2020.

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 2020 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 2020 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 (34 U.S.C.
22 10156(a)) or under part Q of title I of the Omnibus Crime
23 Control and Safe Streets Act of 1968 (34 U.S.C. 10381
24 et seq.) unless the State has ensured, to the satisfaction

1 of the Attorney General, that the State is in substantial
2 compliance 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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