

116TH CONGRESS  
2D SESSION

# S. 3895

To amend section 242 of title 18, United States Code, to include the use of chokeholds and carotid holds as a deprivation of rights and as a punishment, pain, or penalty, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 4, 2020

Mrs. GILLIBRAND (for herself, Ms. WARREN, Ms. SMITH, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend section 242 of title 18, United States Code, to include the use of chokeholds and carotid holds as a deprivation of rights and as a punishment, pain, or penalty, 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 “Eric Garner Excessive  
5 Force Prevention Act”.

6 **SEC. 2. CHOKEHOLDS AS CIVIL RIGHTS VIOLATIONS.**

7 (a) AMENDMENT.—Section 242 of title 18, United  
8 States Code, is amended by adding at the end the fol-

1 lowing: “For the purposes of this section, the application  
2 of any pressure to the throat or windpipe, the use of ma-  
3 neuvers that restrict blood or oxygen flow to the brain,  
4 or the use of carotid artery restraints which may prevent  
5 or hinder breathing or reduce intake of air is a deprivation  
6 of a right, privilege, or immunity and is a punishment,  
7 pain, or penalty.”.

8 (b) RULE OF CONSTRUCTION.—Nothing in the  
9 amendment made by subsection (a) shall be construed to  
10 limit or exclude other claimed deprivations of rights, privi-  
11 leges, or immunities or punishments, pains, or penalties  
12 under section 242 of title 18, United States Code.

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