

117TH CONGRESS
1ST SESSION

H. R. 1034

To require the Attorney General to issue guidance to law enforcement agencies as they respond to increased levels of domestic violence during the COVID–19 public health emergency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2021

Ms. WEXTON (for herself, Mr. JOYCE of Ohio, Mrs. BEATTY, Mr. COOPER, Mr. FITZPATRICK, Mrs. DEMINGS, Mrs. HINSON, Ms. NORTON, Mr. MCGOVERN, Mrs. CAROLYN B. MALONEY of New York, Mr. FOSTER, Ms. KUSTER, Mr. THOMPSON of Mississippi, Ms. SEWELL, Mr. SUOZZI, Mr. TAKANO, Mr. SIRES, Ms. WILD, Mr. CARSON, and Mr. HASTINGS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require the Attorney General to issue guidance to law enforcement agencies as they respond to increased levels of domestic violence during the COVID–19 public health emergency, 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 “Domestic Violence
5 Public Health Emergency Guidance Act”.

1 **SEC. 2. GUIDANCE ON ADDRESSING DOMESTIC VIOLENCE**
2 **DURING THE COVID-19 PUBLIC HEALTH**
3 **EMERGENCY.**

4 (a) GUIDANCE.—Not later than 30 days after the
5 date of enactment of this Act, the Attorney General, in
6 consultation with the Secretary of Health and Human
7 Services, domestic violence stakeholders, and State, local,
8 and tribal law enforcement stakeholders, shall issue guid-
9 ance to Federal, State, local, and tribal law enforcement
10 agencies which contain promising and model practices for
11 addressing domestic violence and protecting the safety of
12 law enforcement officers and all other parties involved,
13 during the COVID-19 public health emergency. In issuing
14 the guidance required under this subsection, the Attorney
15 General shall—

16 (1) identify law enforcement-centered promising
17 or model practices for—

18 (A) addressing domestic violence during
19 the COVID-19 public health emergency;

20 (B) adopting and implementing such pro-
21 grams and practices;

22 (C) implementing measures to mitigate ex-
23 posure to COVID-19, including adequate use of
24 personal protective equipment, when responding
25 to domestic violence incidents that create poten-

1 tial exposure to COVID–19 for all parties in-
2 volved; and

3 (D) ensuring safety and limiting risk of ex-
4 posure to COVID–19 for family members of law
5 enforcement officers;

6 (2) identify victim-centered promising and
7 model practices for—

8 (A) assessing the potential threat of vio-
9 lence to the victim and their children, while en-
10 suring safety and privacy;

11 (B) safety planning for victims and their
12 children and taking preventive steps to ensure
13 safety for all parties involved during the
14 COVID–19 public health emergency;

15 (C) timely submission of records for do-
16 mestic violence protective orders and other re-
17 lated court orders and convictions for crimes re-
18 lated to intimate partner violence;

19 (D) enforcing domestic violence protective
20 orders, other related court orders, and child
21 custody orders in the context of domestic vio-
22 lence; and

23 (E) ensuring community coordinated re-
24 sponses to domestic violence; and

25 (3) create a resource guide, including—

1 (A) the promising and model practices
2 identified under paragraphs (1) and (2);

3 (B) educational resources on risk factors
4 related to COVID–19 that exacerbate the risk
5 of escalation and lethality of reports of domestic
6 violence, such as fear of illness, drug and alco-
7 hol abuse, economic uncertainty, unemploy-
8 ment, and grief;

9 (C) educational resources on training, in-
10 cluding cultural humility and vicarious trauma,
11 for law enforcement officers responding to do-
12 mestic violence;

13 (D) educational resources on investigation
14 and prosecutorial tools for law enforcement offi-
15 cers responding to domestic violence;

16 (E) resources for victims of domestic vio-
17 lence during the COVID–19 public health emer-
18 gency, including information related to the na-
19 tional domestic violence hotline authorized
20 under section 313 of the Family Violence Pre-
21 vention and Services Act (42 U.S.C. 10413).

22 (b) DISSEMINATION.—Not later than 30 days after
23 the date of enactment of this Act, the Attorney General
24 shall—

1 (1) issue the guidance developed under sub-
2 section (a) directly to Federal, State, local, and trib-
3 al law enforcement agencies;

4 (2) make the guidance publicly available by
5 posting the guidance electronically on the website of
6 the Department of Justice;

7 (3) collaborate with the Secretary of Health
8 and Human Services to make the guidance available
9 on the website of the Department of Health and
10 Human Services.

11 (c) EXTENSION.—The Attorney General may extend
12 the deadlines under subsections (a) and (b), in the case
13 that meeting such deadlines is impracticable. In the case
14 that the Attorney General extends such a deadline pursu-
15 ant to this subsection, the Attorney General shall notify
16 Congress, which notification shall include a date before
17 which the Attorney General will complete each such re-
18 quirement.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) The term “domestic violence” has the
22 meaning given the term under section 40002(a)(8)
23 of the Violent Crime Control and Law Enforcement
24 Act of 1994 (34 U.S.C. 12291(a)(8)).

1 (2) The term “COVID–19 public health emer-
2 gency” means the period beginning on the date on
3 which the emergency period under section
4 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
5 1320b–5(g)(1) was declared and ending 90 days
6 after the date on which such period ends.

7 (3) The term “COVID–19” means the 2019
8 Novel Coronavirus or 2019–nCoV.

9 (4) The term “personal protective equipment”
10 means any protective equipment required to prevent
11 the wearer from contracting COVID–19, including
12 gloves, N–95 respirator masks, gowns, goggles, face
13 shields, or other equipment required for safety.

14 (5) The term “State” means each of the several
15 States, the District of Columbia, the Commonwealth
16 of Puerto Rico, Guam, American Samoa, the Virgin
17 Islands, and the Northern Mariana Islands.

18 (6) The term “Federal law enforcement agen-
19 cy” includes law enforcement agencies of the Armed
20 Forces.

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