

JUSTICE Act **(Just and Unifying Solutions to Invigorate Communities Everywhere)**

Section-by-Section Analysis

Too many Americans have lost confidence in institutions created for the purpose of keeping our communities safe. To rebuild that lost faith, the JUSTICE Act focuses on police reform, accountability and transparency.

*The JUSTICE Act will maintain the Constitutionally-limited role the federal government plays in local law enforcement decisions while still affecting significant change. **The bill uses an innovative system of federal grant-related incentives to ensure local and State jurisdictions cease the use of dangerous techniques such as chokeholds, and are reporting significant data about when an officer uses force or a “no knock” warrant is issued.***

*The bill will increase police access to grants for body-worn cameras and the best possible training when it comes to **de-escalation** and the duty to intervene.*

The Act also makes lynching a federal crime, increases penalties for false police reports, works to increase appropriate access to police records for hiring decisions, assists local departments with minority hiring, and creates two commissions to 1) give the nation a full picture of the issues facing black men and boys, and 2) undertake a thorough review of our criminal justice system.

While we recognize the disparities affecting communities of color run deeper than their interactions with law enforcement and the criminal justice system, the JUSTICE Act provides straight-forward, positive steps to keep our citizens and officers safer.

TITLE I—Law Enforcement Reforms

Use of Force reporting, No Knock Warrant reporting, incentivizing chokehold bans, and increased penalties for false police reports.

TITLE II—Body-Worn Cameras

Establishment of a new grant program and penalties for failing to ensure correct usage.

TITLE III—Law Enforcement Records Retention

Maintaining and appropriately sharing disciplinary records for officer hiring consideration.

TITLE IV—Justice for Victims of Lynching

Making lynching a federal crime. Previously passed in the Senate.

TITLE V—Commission on the Social Status of Black Men and Boys Act

The Commission will issue a wide-ranging report on conditions affecting black men and boys, including education, health care, financial status, and the criminal justice system as a whole.

TITLE VI—Alternatives to the Use of Force, De-Escalation, Behavioral Health Crises, and Duty to Intervene Training

The DOJ will develop and provide training on de-escalation and implementation and fulfilment of duty to intervene policies.

TITLE VII—National Criminal Justice Commission Act

Establishes a commission to undertake a comprehensive review of the criminal justice system, submit studies, and provide best practices recommendations.

TITLE VIII—Law Enforcement Agency Hiring and Education

Helps to ensure law enforcement agency personnel are reflective of the communities they serve, and creates an African American History Museum education program for law enforcement.

TITLE IX—Best Practices and Studies

Consensus development of best practices for policing tactics, employment processes, community transparency and administration. Studies on community Use of Force review boards, law enforcement officer engagement on issues related to mental health, homelessness, and addiction, and proposals on improving accountability for DOJ grants.

TITLE X—Closing the Law Enforcement Consent Loophole Act

Makes it unlawful for a federal law enforcement officer to engage in a sexual act while acting under color of law or with an individual who is under arrest, in detention, or in an officer's custody.

TITLE XI—Emergency Funding

Sec. 1. Short title; table of contents.

TITLE I—Law Enforcement Reforms

Sec. 101. George Floyd and Walter Scott Notification Act.

Only information on roughly 40% of America's law enforcement officers is currently contributed to the FBI National Use of Force Data Collection. There is no official system for tracking police shootings, only media and community efforts. This provision will allow our nation to see the full

picture of when force is used and weapons are discharged, helping inform training and de-escalation methods.

- Requires States and local governments to report on an annual basis to the established FBI National Use-of-Force Data Collection use of force events by law enforcement that causes death or serious injury, including any discharge of a firearm by a law enforcement officer and any discharge of a firearm by a civilian at an officer, as well as events where law enforcement officers are seriously injured or killed in the line of duty.
- The FBI must make the information available to the public no later than one year after the date of enactment of this Act and annually thereafter.
- Beginning in the first fiscal year after the date of enactment of this Act, States and local governments that fail to comply with these reporting requirements are subject to an up to 20-percent reduction in federal funding, and up to an additional five-percent reduction for each year thereafter that they fail to comply. Grant penalties may not exceed a 25-percent total reduction for any given year.
- Funds not allocated due to the reduction penalty shall be reallocated to States or localities that have complied with this section.
- The Director of the FBI shall provide to a State or unit of local government technical assistance and training for the collection and submission of data in accordance with this subsection.

Sec. 102. Breonna Taylor Notification Act.

There is currently no real data available on how, when and why no knock search warrants are used, as well as how often they occur. Receiving and analyzing this data will provide a definitive answer as to the goals and effectiveness behind no knocks.

- Requires States and localities to report data to the Attorney General on the use of “no-knock warrants” on an annual basis.
- For each “no-knock warrant” carried out the respective law enforcement agency shall report critical information related to the execution of the warrant: the reason for which the warrant was issued including each violation of law listed on the warrant; whether force was used resulting in property damage, serious bodily injury, or death to any person; demographic information of each person found at the location authorized for entry under the warrant; whether the correct address was entered; whether the warrant included all of the information required under law; as well as crime rate data for the respective locality.
- The Attorney General will then publish a public report of this information.
- Includes privacy protections to preserve the integrity of on-going investigations.
- Where States or localities fail to submit these reports to the Attorney General, the State or local government to which the agency belongs will be subject to an up to 20-percent reduction in federal funding that would otherwise be awarded.

Sec. 103. Guidance.

It is necessary that the Attorney General create a smart, efficient system that can be widely shared and understood by police departments, elected officials, and the public.

- No later than 180 days after enactment, the Attorney General, in coordination with the Director of the FBI and State and local law enforcement agencies, shall issue guidance on best practices relating to establishing standard and consistent data collection systems that capture the information required to be reported under sections 101 and 102 and is consistent with data reported under the Death in Custody Reporting Act of 2013 and the Law Enforcement Act of 1994.

Sec. 104. Compliance assistance grants.

Many jurisdictions may need financial assistance to meet these reporting requirements. The JUSTICE Act will provide resources to ensure that these potential budgetary shortfalls do not stop critical information from being reported.

- Creates a new grant program authorized at \$112,000,000 for fiscal year 2021 to be made available to States and local governments and administered by the Attorney General to assist these entities in complying with the reporting requirements in sections 101 and 102 of this Act.
- This grant program will help to ensure that budgetary limitations do not impede a law enforcement agency from accurately and sufficiently reporting the information required under sections 101 and 102.

Sec. 105. Incentivizing banning of chokeholds.

BYRNE Justice and COPS Grants are essential sources of funds for many jurisdictions across the country. The incentive to keep these dollars should essentially ban chokeholds across the nation.

- Chokeholds are extremely dangerous maneuvers that can easily result in serious bodily injury or death. The death of George Floyd, and countless others before him, has made it clear that there is simply no place for the use of chokeholds as a generally allowable practice by law enforcement officers when acting under color of law.
- Requires that all States and local units of government put in place tough policies severely restricting the use of chokeholds, except in situations where deadly force is authorized.
- States and law enforcement agencies that do not instill such policies may not receive funds under the Byrne grant program or the COPS grant program for any fiscal year in which they do not have such policies in place before the start of the fiscal year for which funding is sought.

Sec. 106. Falsifying police incident reports.

Too often, police reports do not match the facts. Recently, the police report filed in Louisville noted “no injuries” for Breonna Taylor even after she was killed in the no knock warrant raid. Strengthening penalties for falsifying reports will encourage a more accurate accounting of events.

- Provides a sense of Congress that falsifying police reports in connection with civil rights violations obstructs the administration of justice and undermines trust and confidence between communities and law enforcement agencies in those communities.
- Adds a new criminal penalty for falsifying reports filed in connection with a civil rights violation that results in serious bodily injury or death, prosecuted under 18 U.S.C. 242.
- Provides a 20-year maximum sentence.
- Provides a 4-level enhancement under the Federal Sentencing Guidelines where a defendant knowingly and willfully falsifies a report in connection with a civil rights violation.

TITLE II—Body-Worn Cameras

Studies have shown that the proper use of body worn cameras can reduce complaints against officers by up to 90% and decrease officers’ use of force by 60%. Ensuring body cameras are issued and turned on will keep citizens and officers safer.

Sec. 201. Body-Worn Camera Partnership Program.

Setting up a body-worn camera program can be costly for jurisdictions. With the data showing clearly the use of these cameras is effective, DOJ will create a new grant program to aid departments in the purchase of cameras and related equipment such as data storage.

- Creates a new matching federal grant program to be administered by the Director of the Bureau of Justice Assistance to provide our nation’s law enforcement officers with access to body-worn cameras and the necessary technology, training, and resources to ensure their optimal use.
- This program is authorized at \$100,000,000 for each of fiscal years 2021 through 2025.
- Incentivizes States and local units of government to enact best practices for the use of body-worn cameras by conditioning eligibility for this funding on the department’s work to implement required guidelines that: 1) were developed with input from the community, crime victim organizations, and prosecutors; 2) require body-worn cameras to be used at all times that an officer arrests or detains anyone; 3) ensure officers are properly trained on how to properly use body-worn cameras in the field; and 4) suitably handle recorded content.
- This provision also ensures that there are clear standards for privacy and data retention and that footage is made publicly available when appropriate to promote community confidence and transparency. These standards will also serve to increase accountability in

law enforcement without sacrificing the privacy rights of third parties or the integrity of on-going investigations.

- Grants issued under section may be used for the purchase of body-worn cameras; the development of best practices and procedures for optimal use of body-worn cameras; necessary and relevant training; requisite technological infrastructure necessary for body-worn cameras; the storage, retention, viewing, auditing, and release of footage from body-worn cameras; and additional personnel to support the administration of the body-worn camera program by the respective unit of government.
- A covered government receiving grants under this section must submit a comprehensive report to the Director of the Bureau of Justice Assistance each year it receives such funding. These reports must include a summary of the activities carried out through the funding received under this section and whether the needs listed in the entity's application are being met. The Director may add additional requirements as necessary to these reports and must publish these reports within seven days of receipt.
- Within 90 days after the end of each fiscal year, the Director must also submit a report to Congress that includes the aggregate amount of grants made under this section, a summary of the information provided by grant recipients over the preceding year, and a description of the priorities and plan for awarding grants and ensuring the effective use of body-worn cameras.

Sec. 202. Penalties for failure to use body-worn cameras.

Entities using body-worn cameras must ensure police officers use the cameras properly or suffer financial consequences.

- Ensures that entities receiving federal dollars to purchase body-worn cameras will implement the necessary guardrails for the use of such cameras and discipline law enforcement officers who intentionally fail to ensure the device is engaged, functional, and properly secured at all times, by subjecting the entity to a twenty-percent reduction in federal funding each year that action is not taken to satisfy the aforementioned requirements. An additional five-percent reduction is added, for a maximum of a 25-percent reduction in funding for any given year, if entities continue to fail to institute such policies beginning the second fiscal year after enactment.
- Funds subject to the penalty will be reallocated to States and localities that are compliant with this section.

TITLE III—Law Enforcement Records Retention

Too often after a tragic incident, we learn that the offending officer has had past issues with misconduct in another jurisdiction. This will allow police departments to access the full history of applicants and make more informed hiring decisions.

Sec. 301. Law enforcement records retention.

- Requires law enforcement agencies to maintain employment and disciplinary records of law enforcement officers for no less than 30 years through a covered system and carefully review the records of any officer before hiring them.
- Specifically, when making a hiring decision, law enforcement agencies must search and obtain employment and disciplinary records of the applicant from each law enforcement agency that previously employed the applicant to determine whether the applicant has a disciplinary record, internal investigations record, or record of an award or commendation.
- Records will include substantiated allegations of misconduct and internal investigation records as well as award or commendation. Disciplinary records include any written document regarding an allegation of misconduct by an officer that is substantiated and adjudicated by a government agency or court, unless overturned by an appeal, and results in adverse action by the employing law enforcement agency or criminal charges.
- State and local governments that do not establish and implement these systems will be ineligible for key sources of federal funding.
- Each State shall receive a one-time grant of at least \$1,000,000 to establish these systems and practices. A total of \$100,000,000 is authorized to be appropriated for this purpose.
- Protects law enforcement agencies from legal liability for carrying out the requirements of this section. Includes exceptions that allow for legal action where a department unlawfully releases a record to a non-law enforcement entity or individual, or for a purpose other than making a hiring decision.

TITLE IV—Justice for Victims of Lynching

Making lynching a federal crime sends a clear message to those that promote hate: their bigoted views have no place in the United States of America.

Sec. 401. Short title.

Sec. 402. Findings.

- Lynching was a pernicious and pervasive tool that was used to interfere with multiple aspects of life—including the exercise of Federally protected rights, as enumerated in section 245 of title 18, United States Code, housing rights, as enumerated in section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631), and the free exercise of religion, as enumerated in section 247 of title 18, United States Code.
- Interference with these rights was often effectuated by multiple offenders and groups, rather than isolated individuals. Therefore, prohibiting conspiracies to violate each of these rights recognizes the history of lynching in the United States and serves to prohibit its use in the future.

Sec. 403. Lynching.

- Creates a new tool for the Department of Justice to utilize in the prosecution of violent criminal offenses that are motivated by bias by enacting a stand-alone, anti-hate crime,

multi-actor conspiracy provision. This provision provides that any individual conspiring with another person to violate section 245, 247, or 249 of Chapter 13 title 18 or section 901 of the Civil Rights Act of 1968 (42 USC 3631), shall be punished in the same manner as a completed violation of that section.

- This provision also creates a limitation on sentencing by requiring that where the maximum term of imprisonment is less than 10 years for a completed violation of a respective offense, the offender cannot be imprisoned for more than 10 years.

TITLE V—Commission on the Social Status of Black Men and Boys Act

The inequalities facing communities of color, and black men and boys in particular, run far deeper than negative interactions with law enforcement. The Commission will issue a wide-ranging report on conditions affecting black men and boys, including education, health care, financial status, and the criminal justice system as a whole.

Sec. 501. Short title.

Sec. 502. Commission establishment and membership.

- The Commission on the Social Status of Black Men and Boys is established within the United States Commission on Civil Rights Office of the Staff Director.

Sec. 503. Other matters relating to appointment; removal.

- The Commission shall consist of 19 members appointed by members of both political parties as described in this section.
- If after the Commission is appointed there is a partisan imbalance of Commission members, the congressional leaders of the political party with fewer members on the Commission shall jointly name additional members to create partisan parity on the Commission.

Sec. 504. Leadership election.

- At the first meeting of the Commission each year, 16 the members shall elect a Chair and a Secretary.

Sec. 505. Commission duties and powers.

- The Commission shall conduct a systematic study of the conditions affecting Black men and boys, including homicide rates, arrest and incarceration rates, poverty, violence, fatherhood, mentorship, drug abuse, death rates, disparate income and wealth levels, school performance in all grade levels including postsecondary education and college, and health issues.
- The Commission shall document trends regarding the topics described and report on the community impacts of relevant government programs within the scope of such topics.
- The Commission shall propose measures to alleviate and remedy the underlying causes of

the conditions described, which may include recommendations of changes to the law, recommendations for how to implement related policies, and recommendations for how to create, develop, or improve upon government programs.

Sec. 506. Commission meeting requirements.

- The first meeting of the Commission shall take place no later than 30 days after the initial members are all appointed. Meetings shall be focused on significant issues impacting Black men and boys, for the purpose of initiating research ideas and delegating research tasks to Commission members to initiate the first annual report described in section 507.
- The Commission shall meet quarterly. In addition to all quarterly meetings, the Commission shall meet at other times at the call of the Chair or as determined by a majority of Commission members.

Sec. 507. Annual report guidelines.

- The Commission shall make an annual report, beginning the year of the first Commission meeting. The report shall address the current conditions affecting Black men and boys and make recommendations to address these issues.
- The report must be submitted to the President, the Congress, members of the President’s Cabinet, and the chairs of the appropriate committees of jurisdiction. The Commission shall make the report publicly available online on a centralized Federal website.

Sec. 508. Commission compensation.

- Members of the Commission shall serve on the Commission without compensation.

TITLE VI—Alternatives to the Use of Force, De-escalation, Behavioral Health Crises, and Duty to Intervene Training

Local and State jurisdictions should all have access to the best training practices and methods available, especially when it comes to de-escalation and duty to intervene. The DOJ can provide a clearinghouse for this information that is easily accessible to all law enforcement jurisdictions.

Sec. 601. Training on alternatives to use of force, de-escalation, and behavioral health crises

De-escalation training will provide law enforcement officers with the knowledge and tools they need to ensure force is used only as a last resort. This section funds both the COPS Office at DOJ to create training programs and best practices, and the BYRNE-JAG grant program to award dollars to jurisdictions to help pay for the training.

Curricula in alternatives to use of force, de-escalation, and behavioral health crises:

- **The DOJ Community Oriented Policing Services (COPS) Office shall develop curricula in alternatives to use of force, de-escalation, and responding to behavioral health crises.**

- The COPS Office shall consult with State and local law enforcement agencies, labor organizations, professional law enforcement organizations, and mental health organizations to develop curricula.
- The COPS Office shall establish a process to certify public and private entities to deliver training using either the curricula developed by the COPS Office, or equivalent curricula.

Curriculum delivery—two phase approach for delivering training:

- In phase 1, the COPS Office offers regional training programs to equip and certify State and local law enforcement officers to conduct training using the COPS Office curricula—a ‘train the trainer’ approach. Phase 1 continues through the end of fiscal year 2023, but the Attorney General may continue regional training programs at his or her discretion.
- In phase 2, certified public and private entities deliver the curriculum.

List of agencies that have completed the training:

- The Attorney General shall establish a public list of agencies that train their officers in alternatives to use of force, de-escalation, and responding to behavioral health crises. The list shall include the number of officers (out of total workforce) that have completed the training, and whether any personnel from the agency have been certified to conduct trainings themselves.

Funding for curriculum development, delivery, and list of agencies:

- Authorizes an annual appropriation of \$20 million beginning in fiscal year 2021 through fiscal year 2025, for the COPS Office to develop and deliver curricula, certify public and private entities to deliver training, and maintain the list of agencies.

Byrne-JAG grants to pay for costs associated with training:

- Authorizes an annual appropriation of \$50 million beginning in fiscal year 2021 through 2025 to establish completely new funding under Byrne-JAG for State and local law enforcement agencies to pay for costs associated with conducting or procuring training, as well as attendance by State and local law enforcement officers at approved courses.
- Funds are allocated in proportion to the number of law enforcement officers in each State and unit of local government, and will be distributed by State Administering Agencies. Local agencies may elect to receive their funds in the form of training services from the State.
- State and local agencies must report to the Attorney General on the number of officers trained, the total number of officers employed by the agency, and any barriers to providing the training.

Sec. 602. Training on duty to intervene.

Often times in tragic situations, video has shown there were other officers in close proximity who may have had the opportunity to de-escalate the situation and prevent or stop excessive use of force. This section will fund a training program to create, and educate officers on, policies related to the duty to intervene in situations where a fellow officer has crossed the line.

- The Attorney General, in consultation with relevant law enforcement agencies of States and local governments and organizations representing rank and file law enforcement

officers, shall develop a training curriculum for law enforcement agencies and officers on the development, implementation, fulfillment, and enforcement of a duty of a law enforcement officer to intervene when another law enforcement officer engages in excessive use of force.

- The Attorney General shall also establish a process to certify public and private entities that offer courses on the duty to intervene that are equivalent to the training curriculum established under this section. Until the end of fiscal year 2023, the Attorney General shall provide regional training workshops for law enforcement officers of States and units of local government, using the training curriculum established under this section.
- The Attorney General will also publish a list of law enforcement agencies of States and units of local government that employ officers who have successfully completed a course described under paragraph (2) or (3), which includes the total number of officers employed by the agency and the number of officers who have completed the course.
- The Attorney General may make grants to State and local law enforcement agencies to implement this training. \$100,000,000 is authorized for each of fiscal years 2021 through 2025 to carry out this section.

TITLE VII—National Criminal Justice Commission Act

Understanding the full extent of racial disparities and unjust outcomes in criminal justice systems across the nation is paramount. When implemented, the commission’s findings will strengthen our justice system and help ensure Lady Justice is truly blind.

Sec. 701. Short title.

Sec. 702. Findings.

- It is in the interest of the United States to establish a commission to undertake a comprehensive review of the criminal justice system.
- There has not been a comprehensive study since the President’s Commission on Law Enforcement and Administration of Justice was established in 1965.

Sec. 703. Establishment of Commission.

- Establishes a commission to be known as the “National Criminal Justice Commission.”

Sec. 704. Purpose of the Commission.

- The Commission shall undertake a comprehensive review of the criminal justice system, submit to the President and Congress recommendations for Federal criminal justice reform, and disseminate findings and supplemental guidance to the Federal Government, as well as to State, local, and Tribal governments.

Sec. 705. Review, recommendations, and report.

- The Commission shall undertake a comprehensive review of all areas of the criminal justice system, including the criminal justice costs, practices, and policies of the Federal,

State, local, and Tribal governments.

- Not later than 18 months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress recommendations for changes in Federal oversight, policies, practices, and laws designed to prevent, deter, and reduce crime and violence, reduce recidivism, improve cost-effectiveness, and ensure the interests of justice at every step of the criminal justice system.
- Not later than 18 months after the date of the first meeting of the Commission, the Commission shall disseminate to the Federal Government, as well as to State, local, and Tribal governments, a report that details the findings and supplemental guidance of the Commission regarding the criminal justice system at all levels of government.

Sec. 706. Membership.

- The Commission will consist of 14 members appointed by members of both political parties as described in this section. Members must be appointed based upon knowledge and experience in a relevant area.

Sec. 707. Administration.

- Establishes the leadership, practices, compensation, and administration of the Commission.

Sec. 708. Direct Appropriations.

- For each of fiscal years 2020 and 2021, \$7,000,000 is authorized to be appropriated to carry out this section.

Sec. 709. Sunset.

- The Commission shall terminate 60 days after the date on which the Commission submits the report required under section 705(c) to Congress.

TITLE VIII—Law Enforcement Agency Hiring and Education

Law enforcement agencies should reflect and understand the communities they protect. This will help rebuild trust between communities and law enforcement.

Subtitle A:

- When the demographic makeup of a law enforcement agency differs dramatically from the community they serve, this section will allow that jurisdiction to access COPS grants to hire recruiters and enroll candidates that more closely represent the community.

Sec. 801. Law enforcement agency hiring

- Allows The Community Oriented Policing Services (COPS) grant program to be used by a law enforcement agency that has a substantially different racial and ethnic demographic

makeup than the community served to hire recruiters and enroll candidates in law enforcement academies who have racial and ethnic demographic characteristics similar to the community.

Sec. 802. Reauthorization of Law Enforcement Grant Programs.

- Reauthorizes the Edward Byrne Memorial Justice Assistance Grant Program at \$800,000,000 for each of fiscal years 2021 through 2025.
- Reauthorizes the Cops on the Beat Grant Program at \$400,000,000 for each of fiscal years 2021 through 2025.

Subtitle B: National Museum of African American History and Culture curriculum.

This section funds an education program for law enforcement agencies the Smithsonian Museum of African American History. This is similar to the education program the Never Again Education Act created at the Holocaust Museum to train educators on combatting anti-Semitism.

- The Director of the National Museum of African American History and Culture shall develop and nationally disseminate a curriculum to educate eligible program participants on the history of racism in the United States.
- The Director shall also carry out education program training for eligible program participants that focuses on racial reconciliation with the goal of understanding the history of racism in America, improving relationships between law enforcement and the communities they serve, and training eligible program participants who can effectively train their law enforcement peers in their States and communities.
- Not later than February 1st of each year, the Director shall submit to the Congress a report describing the activities carried out under this subtitle.
- Authorizes \$2,000,000 for each of fiscal years 2021 through 2025 to carry out this program.

TITLE IX—Best Practices and Study

Ensuring jurisdictions across the country have access to best practices and guidance is critical. The Attorney General, along with commissions created throughout this bill, are tasked with creating those best practices.

Sec. 901. Best practices.

- The Commission established under title VII shall develop recommended best practices guidelines to ensure fair and effective policing tactics and procedures that encourage equitable justice, community trust, and law enforcement officer safety.
- In addition, the Commission must also establish best practices for the hiring, firing, suspension, and discipline of law enforcement officers, best practices for developing standards for officer due process, as well as best practices for community transparency

and optimal administration of a law enforcement agency.

Sec. 902. Study.

- The Commission established under title VII shall conduct a study on the establishment and operation of Use of Force Review Boards by States and units of local government, wherein citizens can assist law enforcement agencies in reviewing use of force incidents, as well as best practices for developing standards for law enforcement officer due process.
- The Commission will also submit recommendations with respect to the findings of this study, which includes recommended best practices for State and local Use of Force Review Boards.

Sec. 903. Mental health study.

- The Commission established under title VII shall also conduct a study on law enforcement officer training, crisis intervention teams, co-responder programs, personnel requirements, Federal resources, and pilot programs needed to improve nationwide law enforcement officer engagement on issues related to mental health, homelessness, and addiction.
- The Commission will also submit recommendations with respect to the findings of the study.

Sec. 904. Study and proposal on improving accountability for DOJ grants.

- Not later than one year after the date of enactment of this Act, the Attorney General shall study, and submit to Congress a proposal regarding the possible implementation of a method to improve accountability for law enforcement agencies that receive funds from covered grant programs.

TITLE X—Closing the Law Enforcement Consent Loophole Act

This is a bi-partisan bill to close the law enforcement consent loophole.

Sec. 1001. Prohibition on Engaging in Sexual Acts While Acting under Color of Law.

- Makes it unlawful for a federal law enforcement officer to engage in a sexual act while acting under color of law or with an individual who has been arrested by, is detained by, or is in the custody of a law enforcement officer.
- Consent is not a defense to prosecution for unlawful conduct and a violator is subject to criminal penalties including a fine, a prison term of up to 15 years, or both.

Sec. 1002. Incentive for States.

- Additionally, the bill authorizes the Department of Justice to make grants to States that have in effect similar laws. Grants must be used for the same purposes as formula grants under the STOP Violence Against Women Program and the Sexual Assault Services Program.

- Authorizes \$5,000,000 for each of fiscal years 2021 through 2025 to carry out this section.

Sec. 1003. Reports to Congress.

- Not later than one year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to Congress a report containing the total number of reports made to law enforcement agencies in a State regarding persons engaging in a sexual act while acting under color of law, the number of reports made during the previous year to Federal law enforcement agencies regarding persons engaging in a sexual act while acting under color of law, and the disposition of each case in which sexual misconduct by a person acting under color of law was reported.
- Not later than one year after the date of enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to Congress a report on any violations of section 2243(c) of title 18, United States Code, as amended by section 1001, committed during the one-year period covered by the report.

TITLE XI—Emergency Funding

Sec. 1101. Emergency Designation.

- The amounts provided under this Act, or an amendment made by this Act, are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).
- In the Senate, this Act, and the amendments made by this Act, is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.