

116TH CONGRESS
2D SESSION

H. R. 8088

To provide funding to law enforcement agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 22, 2020

Mr. STAUBER introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide funding to law enforcement agencies, 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. BODY-WORN CAMERA PARTNERSHIP GRANT**
4 **PROGRAM.**

5 Subpart 1 of part E of title I of the Omnibus Crime
6 Control and Safe Streets Act of 1968 (34 U.S.C. 10151
7 et seq.) is amended by adding at the end the following:

1 **“SEC. 509. BODY-WORN CAMERA PARTNERSHIP GRANT**
2 **PROGRAM.**

3 “(a) DEFINITIONS.—In this section—

4 “(1) the term ‘covered government’ means a
5 State, unit of local government, or Indian Tribe;

6 “(2) the term ‘Director’ means the Director of
7 the Bureau of Justice Assistance; and

8 “(3) the term ‘unit of local government’, not-
9 withstanding section 901, does not include an Indian
10 Tribe.

11 “(b) AUTHORIZATION OF GRANTS.—The Director
12 may make grants to eligible covered governments for use
13 by the covered government for—

14 “(1) the purchase of body-worn cameras;

15 “(2) necessary initial supportive technological
16 infrastructure for body-worn cameras for law en-
17 forcement officers in the jurisdiction of the grantee;

18 “(3) the development of policies and procedures
19 relating to the use of body-worn cameras;

20 “(4) training on the use of body-worn cameras;

21 “(5) the storage, retention, viewing, auditing,
22 and release of footage from body-worn cameras; and

23 “(6) personnel, including law enforcement,
24 prosecution, and criminal defense personnel, to sup-
25 port the administration of the body-worn camera
26 program of the covered government.

1 “(c) ELIGIBILITY.—

2 “(1) APPLICATION.—For a covered government
3 to be eligible to receive a grant under this section,
4 the chief executive officer of the covered government
5 shall submit to the Director an application in such
6 form and containing such information as the Direc-
7 tor may require.

8 “(2) POLICIES AND PROCEDURES ASSUR-
9 ANCES.—The application under paragraph (1) shall,
10 as required by the Director, provide assurances that
11 the covered government will establish policies and
12 procedures in accordance with subsection (d).

13 “(d) REQUIRED POLICIES AND PROCEDURES.—

14 “(1) IN GENERAL.—A covered government re-
15 ceiving a grant under this section shall develop poli-
16 cies and procedures related to the use of body-worn
17 cameras that—

18 “(A) are developed with community input,
19 including from prosecutors and organizations
20 representing crime victims, in accordance with
21 recognized best practices;

22 “(B) require that a body-worn camera be
23 activated when a law enforcement officer ar-
24 rests or detains any person in the course of the

1 official duties of the officer, with consideration
2 to sensitive cases;

3 “(C) apply discipline to any law enforce-
4 ment officer who intentionally fails to ensure
5 that a body-worn camera is engaged, functional,
6 and properly secured at all times during which
7 the camera is required to be worn;

8 “(D) require training for—

9 “(i) the proper use of body-worn cam-
10 eras; and

11 “(ii) the handling and use of the ob-
12 tained video and audio recordings;

13 “(E) provide clear standards for privacy,
14 data retention, and use for evidentiary purposes
15 in a criminal proceeding, including in the case
16 of an assault on a law enforcement officer; and

17 “(F) make footage available to the public
18 in response to a valid request under an applica-
19 ble freedom of information law if the footage
20 can be made available—

21 “(i) without compromising an ongoing
22 investigation or revealing the identity of
23 third parties, including victims, inform-
24 ants, or witnesses; and

1 “(ii) with consideration given to the
2 rights of victims and surviving family
3 members.

4 “(2) PUBLICATION.—A covered government re-
5 ceiving a grant under this section shall make all
6 policies and procedures regarding body-worn cam-
7 eras available on a public website.

8 “(3) GUIDANCE.—The Director shall issue
9 guidance to covered governments related to the re-
10 quirements under paragraph (1).

11 “(e) GRANT AMOUNTS.—

12 “(1) MINIMUM AMOUNT.—

13 “(A) IN GENERAL.—Each fiscal year, un-
14 less the Director has awarded a fully funded
15 grant for each eligible application submitted by
16 a State and any units of local government with-
17 in the State under this section for the fiscal
18 year, the Director shall allocate to the State
19 and units of local government within the State
20 for grants under this section an aggregate
21 amount that is not less than 0.5 percent of the
22 total amount appropriated for the fiscal year
23 for grants under this section.

24 “(B) CERTAIN TERRITORIES.—For pur-
25 poses of the Virgin Islands, American Samoa,

1 Guam, and the Northern Mariana Islands, sub-
2 paragraph (A) shall be applied by substituting
3 ‘0.25 percent’ for ‘0.5 percent’.

4 “(2) MAXIMUM AMOUNT.—

5 “(A) AMOUNT PER COVERED GOVERN-
6 MENT.—A covered government may not receive
7 a grant under this section for a fiscal year in
8 an amount that is greater than 5 percent of the
9 total amount appropriated for grants under this
10 section for the fiscal year.

11 “(B) AGGREGATE AMOUNT PER STATE.—A
12 State and each covered government within the
13 State may not receive grants under this section
14 for a fiscal year in an aggregate amount that
15 is more than 20 percent of the total amount ap-
16 propriated for grants under this section for the
17 fiscal year.

18 “(f) MATCHING FUNDS.—The portion of the costs of
19 a body-worn camera program provided by a grant under
20 this section—

21 “(1) may not exceed 50 percent; and

22 “(2) subject to subsection (e)(2), shall equal 50
23 percent if the grant is to a unit of local government
24 with fewer than 100,000 residents.

1 “(g) SUPPLEMENT, NOT SUPPLANT.—Funds made
2 available under this section shall not be used to supplant
3 covered government funds, but shall be used to increase
4 the amount of funds that would, in the absence of Federal
5 funds, be made available from covered government sources
6 for the purposes of this section.

7 “(h) REPORTS TO THE DIRECTOR.—A covered gov-
8 ernment that receives a grant under this section shall sub-
9 mit to the Director, for each year in which funds from
10 a grant received under this section are expended, a report
11 at such time and in such manner as the Director may rea-
12 sonably require, that contains—

13 “(1) a summary of the activities carried out
14 under the grant and an assessment of whether the
15 activities are meeting the needs identified in the
16 grant application; and

17 “(2) such other information as the Director
18 may require.

19 “(i) REPORTS TO CONGRESS.—Not later than 90
20 days after the end of a fiscal year for which grants are
21 made under this section, the Director shall submit to Con-
22 gress a report that includes—

23 “(1) the aggregate amount of grants made
24 under this section to each covered government for
25 the fiscal year;

1 “(2) a summary of the information provided by
2 covered governments receiving grants under this sec-
3 tion; and

4 “(3) a description of the priorities and plan for
5 awarding grants among eligible covered govern-
6 ments, and how the plan will ensure the effective use
7 of body-worn cameras to protect public safety.

8 “(j) DIRECT APPROPRIATIONS.—For the purpose of
9 making grants under this section there is authorized to
10 be appropriated, and there is appropriated, out of amounts
11 in the Treasury not otherwise appropriated, for the fiscal
12 year ending September 30, 2020, \$500,000,000, to remain
13 available until expended.”.

14 **SEC. 2. PENALTIES FOR FAILURE TO USE BODY-WORN CAM-**
15 **ERAS.**

16 (a) DEFINITION.—In this section, the term “covered
17 provision” means—

18 (1) section 509 of title I of the Omnibus Crime
19 Control and Safe Streets Act of 1968, as added by
20 section 201; and

21 (2) any other provision of law that makes funds
22 available for the purchase of body-worn cameras.

23 (b) REQUIREMENT.—

24 (1) STATES.—A State that receives funds under
25 a covered provision shall—

1 (A) have a policy in place to apply dis-
2 cipline to any law enforcement officer who in-
3 tentionally fails to ensure that a body-worn
4 camera purchased using those funds is engaged,
5 functional, and properly secured at all times
6 during which the camera is required to be worn;
7 and

8 (B) ensure that any entity to which the
9 State awards a subgrant under the covered pro-
10 vision has a policy in place to apply discipline
11 to any law enforcement officer who intentionally
12 fails to ensure that a body-worn camera pur-
13 chased using those funds is engaged, functional,
14 and properly secured at all times during which
15 the camera is required to be worn.

16 (2) OTHER ENTITIES.—An entity other than a
17 State that receives funds under a covered provision
18 shall have a policy in place to apply discipline to any
19 law enforcement officer who intentionally fails to en-
20 sure that a body-worn camera purchased using those
21 funds is engaged, functional, and properly secured at
22 all times during which the camera is required to be
23 worn.

24 (c) COMPLIANCE.—

25 (1) INELIGIBILITY FOR FUNDS.—

1 (A) FIRST FISCAL YEAR.—

2 (i) STATES.—For the first fiscal year
3 beginning after the date of enactment of
4 this Act in which a State fails to comply
5 with subsection (b)(1), the State shall be
6 subject to a 20-percent reduction of the
7 funds that would otherwise be provided to
8 the State under the applicable covered pro-
9 vision for that fiscal year.

10 (ii) OTHER ENTITIES.—For the first
11 fiscal year beginning after the date of en-
12 actment of this Act in which an entity
13 other than a State fails to comply with
14 subsection (b)(2), the entity shall be sub-
15 ject to a 20-percent reduction of the funds
16 that would otherwise be allocated to the
17 entity under the applicable covered provi-
18 sion for that fiscal year.

19 (B) SUBSEQUENT FISCAL YEARS.—

20 (i) STATES.—Beginning in the first
21 fiscal year beginning after the first fiscal
22 year described in subparagraph (A)(i) in
23 which a State fails to comply with sub-
24 section (b), the percentage by which the
25 funds described in subparagraph (A)(i) are

1 reduced shall be increased by 5 percent
2 each fiscal year the State fails to comply
3 with subsection (b), except that such re-
4 duction shall not exceed 25 percent in any
5 fiscal year.

6 (ii) OTHER ENTITIES.—Beginning in
7 the first fiscal year beginning after the
8 first fiscal year described in subparagraph
9 (A)(i) in which a an entity other than a
10 State fails to comply with subsection (b),
11 the percentage by which the funds de-
12 scribed in subparagraph (A)(ii) are re-
13 duced shall be increased by 5 percent each
14 fiscal year the entity fails to comply with
15 subsection (b), except that such reduction
16 shall not exceed 25 percent in any fiscal
17 year.

18 (2) REALLOCATION.—Amounts not allocated
19 under covered provision to a State or other entity
20 for failure to comply with subsection (b) shall be re-
21 allocated under the covered provision to States or
22 other entities that have complied with subsection (b).

1 **SEC. 3. TRAINING ON ALTERNATIVES TO USE OF FORCE,**
2 **DE-ESCALATION, AND BEHAVIORAL HEALTH**
3 **CRISES.**

4 (a) DEFINITIONS.—Section 901(a) of title I of the
5 Omnibus Crime Control and Safe Streets Act of 1968 (34
6 U.S.C. 10251(a)) is amended—

7 (1) in paragraph (27), by striking “and” at the
8 end;

9 (2) in paragraph (28), by striking the period at
10 the end and inserting a semicolon; and

11 (3) by adding at the end the following:

12 “(29) the term ‘de-escalation’ means taking ac-
13 tion or communicating verbally or non-verbally dur-
14 ing a potential force encounter in an attempt to sta-
15 bilize the situation and reduce the immediacy of the
16 threat so that more time, options, and resources can
17 be called upon to resolve the situation without the
18 use of force or with a reduction in the force nec-
19 essary; and

20 “(30) the term ‘behavioral health crisis’ means
21 a situation in which the behavior of a person puts
22 the person at risk of hurting himself or herself or
23 others or prevents the person from being able to
24 care for himself or herself or function effectively in
25 the community, including a situation in which a per-
26 son is under the influence of a drug or alcohol, is

1 suicidal, or experiences symptoms of a mental ill-
2 ness.”.

3 (b) COPS PROGRAM.—Section 1701 of title I of the
4 Omnibus Crime Control and Safe Streets Act of 1968 (34
5 U.S.C. 10381) is amended by adding at the end the fol-
6 lowing:

7 “(n) TRAINING IN ALTERNATIVES TO USE OF
8 FORCE, DE-ESCALATION TECHNIQUES, AND BEHAVIORAL
9 HEALTH CRISES.—

10 “(1) TRAINING CURRICULA.—The Attorney
11 General, in consultation with relevant law enforce-
12 ment agencies of States and units of local govern-
13 ment, labor organizations, professional law enforce-
14 ment organizations, and mental health organiza-
15 tions, shall develop training curricula in—

16 “(A) alternatives to use of force and de-es-
17 calation tactics; and

18 “(B) safely responding to a person experi-
19 encing a behavioral health crisis, including tech-
20 niques and strategies that are designed to pro-
21 tect the safety of the person experiencing the
22 behavioral health crisis, law enforcement offi-
23 cers, and the public.

24 “(2) CERTIFIED PROGRAMS.—The Attorney
25 General shall establish a process to certify public

1 and private entities that offer courses in alternatives
2 to use of force, de-escalation tactics, and techniques
3 and strategies for responding to a behavioral health
4 crisis using the training curricula established under
5 paragraph (1) or equivalents to the training cur-
6 ricula established under paragraph (1).

7 “(3) TRANSITIONAL REGIONAL TRAINING PRO-
8 GRAMS FOR STATE AND LOCAL AGENCY PER-
9 SONNEL.—Until the end of fiscal year 2023, the At-
10 torney General shall, and thereafter may, provide re-
11 gional training to equip and certify personnel from
12 law enforcement agencies of States and units of local
13 government in a State to conduct training using the
14 training curricula established under paragraph (1).

15 “(4) LIST.—The Attorney General shall publish
16 a list of law enforcement agencies of States and
17 units of local government that employ officers who
18 have successfully completed a course described under
19 paragraph (2) or (3), which shall include—

20 “(A) the total number of law enforcement
21 officers employed by the agency;

22 “(B) the number of officers who have com-
23 pleted the course; and

1 “(C) whether personnel from the law en-
2 forcement agency are certified to conduct train-
3 ing.

4 “(5) DIRECT APPROPRIATIONS.—For the pur-
5 pose of making grants under this subsection there is
6 authorized to be appropriated, and there is appro-
7 priated, out of amounts in the Treasury not other-
8 wise appropriated, for the fiscal year ending Sep-
9 tember 30, 2020, \$100,000,000, to remain available
10 until expended.”.

11 (c) BYRNE JAG PROGRAM.—Subpart 1 of part E of
12 title I of the Omnibus Crime Control and Safe Streets Act
13 of 1968 (34 U.S.C. 10151 et seq.) is amended—

14 (1) by redesignating section 508 as section 511;
15 and

16 (2) by inserting after section 507 the following:

17 **“SEC. 508. LAW ENFORCEMENT TRAINING PROGRAMS.**

18 “(a) DEFINITIONS.—In this section—

19 “(1) the term ‘approved course in alternatives
20 to use of force, de-escalation tactics, or techniques
21 and strategies for responding to a behavioral health
22 crisis’ means a course using the training curricula
23 established under section 1701(n)(1) or equivalents
24 to such training curricula—

1 “(A) provided by the Attorney General
2 under section 1701(n)(3); or

3 “(B) provided by a certified entity; and

4 “(2) the term ‘certified entity’ means a public
5 or private entity that has been certified by the At-
6 torney General under section 1701(n)(2).

7 “(b) AUTHORITY.—The Attorney General shall, from
8 amounts made available for this purpose under subsection
9 (e), make grants to States for use by the State or a unit
10 of government located in the State to—

11 “(1) pay for costs associated with conducting
12 the training and for attendance by law enforcement
13 personnel at an approved course in alternatives to
14 use of force, de-escalation tactics, or techniques and
15 strategies for responding to a behavioral health cri-
16 sis; and

17 “(2) procure training in alternatives to use of
18 force, de-escalation tactics, or techniques and strate-
19 gies for responding to a behavioral health crisis from
20 a certified entity.

21 “(c) ALLOCATION OF FUNDS.—

22 “(1) IN GENERAL.—Of the total amount appro-
23 priated to carry out this section for a fiscal year, the
24 Attorney General shall allocate funds to each State
25 in proportion to the total number of law enforcement

1 officers in the State as compared to the total num-
2 ber of law enforcement officers in the United States.

3 “(2) TRAINING FOR STATE LAW ENFORCEMENT
4 OFFICERS.—Each State may retain from the total
5 amount of funds provided to the State for the pur-
6 poses described in this section an amount that is not
7 more than the amount that bears the same ratio to
8 the total amount of funds as the ratio of—

9 “(A) the total number of law enforcement
10 officers employed by the State; to

11 “(B) the total number of law enforcement
12 officers employed by the State and units of
13 local government within the State.

14 “(3) TRAINING FOR LOCAL LAW ENFORCEMENT
15 OFFICERS.—A State shall make available to units of
16 local government in the State for the purposes de-
17 scribed in this section the amounts remaining after
18 a State retains funds under paragraph (2). At the
19 request of a unit of local government, the State may
20 use an amount of the funds allocated to the unit of
21 local government under this paragraph to facilitate
22 training in alternatives to use of force, de-escalation
23 tactics, or techniques and strategies for responding
24 to a behavioral health crisis to law enforcement offi-
25 cers employed by the unit of local government.

1 “(d) REPORTING.—

2 “(1) UNITS OF LOCAL GOVERNMENT.—Any
3 unit of local government that receives funds from a
4 State under subsection (c)(3) shall submit to the
5 State a report indicating—

6 “(A) the number of law enforcement offi-
7 cers that have completed training described in
8 this section;

9 “(B) the total number of law enforcement
10 officers employed by the unit of local govern-
11 ment; and

12 “(C) any barriers to providing the training.

13 “(2) STATES.—Any State that receives funds
14 under subsection (c)(2) shall, after receiving the re-
15 ports described in paragraph (1), submit to the At-
16 torney General—

17 “(A) such reports; and

18 “(B) a report by the State indicating—

19 “(i) the number of law enforcement
20 officers employed by the State that have
21 completed training described in this sec-
22 tion;

23 “(ii) the total number of law enforce-
24 ment officers employed by the State; and

1 “(iii) any barriers to providing the
2 training.

3 “(e) DIRECT APPROPRIATIONS.—For the purpose of
4 making grants under this section there is authorized to
5 be appropriated, and there is appropriated, out of amounts
6 in the Treasury not otherwise appropriated, for the fiscal
7 year ending September 30, 2020, \$250,000,000, to remain
8 available until expended.”.

9 **SEC. 4. TRAINING ON DUTY TO INTERVENE.**

10 Subpart 1 of part E of Title I of the Omnibus Crime
11 Control and Safe Streets Act of 1968 (34 U.S.C. 10151
12 et seq.), as amended by section 201, is amended by adding
13 at the end the following:

14 **“SEC. 510. TRAINING ON DUTY TO INTERVENE.**

15 “(a) TRAINING PROGRAM.—

16 “(1) IN GENERAL.—The Attorney General, in
17 consultation with relevant law enforcement agencies
18 of States and units of local governments and organi-
19 zations representing rank and file law enforcement
20 officers, shall develop a training curriculum for law
21 enforcement agencies and officers on the develop-
22 ment, implementation, fulfillment, and enforcement
23 of a duty of a law enforcement officer to intervene
24 when another law enforcement officer is engaged in
25 excessive use of force.

1 “(2) CERTIFIED PROGRAMS.—The Attorney
2 General shall establish a process to certify public
3 and private entities that offer courses on the duty to
4 intervene that are equivalent to the training cur-
5 riculum established under paragraph (1).

6 “(3) TRANSITIONAL REGIONAL TRAINING PRO-
7 GRAMS.—Until the end of fiscal year 2023, the At-
8 torney General shall provide regional training work-
9 shops for law enforcement officers of States and
10 units of local government, using the training cur-
11 riculum established under paragraph (1).

12 “(4) LIST.—The Attorney General shall publish
13 a list of law enforcement agencies of States and
14 units of local government that employ officers who
15 have successfully completed a course described under
16 paragraph (2) or (3), which shall include the total
17 number of law enforcement officers employed by the
18 agency and the number of officers who have com-
19 pleted the course.

20 “(b) GRANT PROGRAM.—

21 “(1) AUTHORIZATION.—The Attorney General
22 may make grants to State and local law enforcement
23 agencies to—

24 “(A) pay for costs associated with attend-
25 ance by law enforcement personnel at a training

1 course approved by the Attorney General under
2 paragraph (2) or (3) of subsection (a); and

3 “(B) procure training in the duty to inter-
4 vene from a public or private entity certified
5 under subsection (a)(2).

6 “(2) APPLICATION.—Each State or local law
7 enforcement agency seeking a grant under this sub-
8 section shall submit an application to the Attorney
9 General at such time, in such manner, and con-
10 taining such information as the Attorney General
11 may require.

12 “(c) DIRECT APPROPRIATIONS.—For the purpose of
13 making grants under this section, there is authorized to
14 be appropriated, and there is appropriated, out of amounts
15 in the Treasury not otherwise appropriated, for the fiscal
16 year ending September 30, 2020, \$500,000,000, to remain
17 available until expended.”.

18 **SEC. 5. REAUTHORIZATION OF LAW ENFORCEMENT GRANT**
19 **PROGRAMS.**

20 (a) EDWARD BYRNE MEMORIAL JUSTICE ASSIST-
21 ANCE GRANT PROGRAM.—Section 511 of title I of the
22 Omnibus Crime Control and Safe Streets Act of 1968
23 (Public Law 90–351; 82 Stat. 197), as so redesignated
24 by this Act, is amended by striking “this subpart
25 \$1,095,000,000 for each of the fiscal years 2006 through

1 2012” and inserting “this subpart, including sections 508,
2 509, and 510, \$800,000,000 for each of fiscal years 2021
3 through 2025”.

4 (b) REAUTHORIZATION OF COPS ON THE BEAT
5 GRANT PROGRAM.—Section 1001(a)(11)(A) of title I of
6 the Omnibus Crime Control and Safe Streets Act of 1968
7 (34 U.S.C. 10261(a)(11)(A)) is amended by striking “part
8 Q, to remain available until expended \$1,047,119,000 for
9 each of fiscal years 2006 through 2009” and inserting
10 “part Q, including section 1701(n), to remain available
11 until expended \$400,000,000 for each of fiscal years 2021
12 through 2025”.

13 **SEC. 6. EMERGENCY DESIGNATION.**

14 (a) IN GENERAL.—The amounts provided under this
15 Act, or an amendment made by this Act, are designated
16 as an emergency requirement pursuant to section 4(g) of
17 the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C.
18 933(g)).

19 (b) DESIGNATION IN SENATE.—In the Senate, this
20 Act, and the amendments made by this Act, is designated
21 as an emergency requirement pursuant to section 4112(a)
22 of H. Con. Res. 71 (115th Congress), the concurrent reso-
23 lution on the budget for fiscal year 2018.

○