

116TH CONGRESS  
2D SESSION

# H. R. 7144

To amend title 18, United States Code, to prohibit the reckless use of excessive force under the color of law, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2020

Ms. VELÁZQUEZ (for herself, Mr. MFUME, Mr. RYAN, and Mr. CARSON of Indiana) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to prohibit the reckless use of excessive force under the color of law, 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 “Law Enforcement  
5 Oversight and Reform Act of 2020”.

1 **SEC. 2. PROHIBITION ON EXCESSIVE FORCE, RESPIRATORY**  
2 **CHOKEHOLDS UNDER THE COLOR OF LAW.**

3 (a) IN GENERAL.—Chapter 13 of title 18, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 250. Excessive force under the color of law**

7 “(a) IN GENERAL.—Whoever, being a law enforce-  
8 ment officer, under color of any law, statute, ordinance,  
9 regulation, or custom, subjects any person in any State,  
10 Territory, Commonwealth, Possession, or District, reck-  
11 lessly subjects any person to force in violation of the  
12 Fourth Amendment’s prohibition against unreasonable  
13 seizures, shall be punished as provided in subsection (c).

14 “(b) CHOKEHOLDS.—A respiratory chokehold shall  
15 not be considered force that is reasonably necessary under  
16 subsection (a).

17 “(c) PUNISHMENT.—

18 “(1) IN GENERAL.—The punishment for an of-  
19 fense under this section is a fine of not less than  
20 \$10,000, imprisonment under paragraph (2), or  
21 both.

22 “(2) TERM OF IMPRISONMENT.—The term of  
23 imprisonment for an offense under this section is—

24 “(A) if death results, for any term of years  
25 or for life, but no less than 10 years;

1           “(B) if serious bodily injury other than  
2           death results, for not more than 10 years, but  
3           no less than 5 years; and

4           “(C) in any other case, for not more than  
5           3 years, but no less than one year.

6           “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
7           tion shall be construed to limit the Attorney General’s re-  
8           sponsibilities or provision of relief under section 210401  
9           of the Violent Crime Control and Law Enforcement Act  
10          of 1994 (34 U.S.C. 12601).

11          “(e) DEFINITION.—The term ‘law enforcement offi-  
12          cer’—

13                 “(1) means an official empowered by law to  
14                 conduct investigations of, to make arrests for, or to  
15                 detain individuals suspected or convicted of, criminal  
16                 or civil offenses; and

17                 “(2) includes an official ordered to perform a  
18                 function described in paragraph (1) by a superior  
19                 empowered to do so under law, or by Executive  
20                 order.

21          “(f) REPORT.—On the date that is one year after the  
22          date of enactment of this section, and annually thereafter,  
23          the Attorney General shall submit to the Committees on  
24          the Judiciary of the House of Representatives and of the  
25          Senate a report that includes a description of and the

1 number of convictions under this section during the pre-  
2 vious year.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 for chapter 13 of title 18 is amended by adding after the  
5 item related to section 249 the following:

“250. Excessive force under the color of law.”.

6 **SEC. 3. APPLICATION TO STATES.**

7 (a) IN GENERAL.—A State or unit of local govern-  
8 ment may not receive funds that the jurisdiction would  
9 otherwise receive under subpart 1 of part E of title I of  
10 the Omnibus Crime Control and Safe Streets Act of 1968  
11 (34 U.S.C. 10151 et seq.) for any fiscal year in which  
12 the jurisdiction does not have in place a law that is con-  
13 sistent with section 250 of title 18, United States Code,  
14 as determined by the Attorney General.

15 (b) SUBSEQUENT ENACTMENT AFTER DENIAL OF  
16 FUNDS.—In the case that funds are withheld from a State  
17 or other jurisdiction pursuant to subsection (a), and the  
18 State or other jurisdiction subsequently enacts or puts in  
19 place a law described in subsection (a), and demonstrates  
20 substantial efforts to enforce such law, the State or other  
21 jurisdiction shall be eligible, in the subsequent fiscal year,  
22 to receive the total amount that the State or other juris-  
23 diction would have received in each fiscal year for which  
24 funds were withheld, not to exceed funds that the jurisdic-

1 tion would have received during the previous 2-year pe-  
2 riod.

3 (c) APPLICATION.—This section shall apply begin-  
4 ning in the first fiscal year that begins after the date that  
5 is one year after the date of the enactment of this Act.

6 (d) RULEMAKING.—Not later than 30 days after the  
7 date of the enactment of this Act, the Attorney General  
8 shall publish in the Federal Register interim final rules  
9 implementing this section. The Attorney General shall fi-  
10 nalize such rules not later than 90 days after the date  
11 of publication of the interim final rules.

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