

116TH CONGRESS
2D SESSION

H. R. 8500

To establish an electronic system by which members of the press may file a complaint with the Department of Justice alleging misconduct by Federal, State, and local law enforcement agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2020

Mr. TAKANO introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To establish an electronic system by which members of the press may file a complaint with the Department of Justice alleging misconduct by Federal, State, and local 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. SHORT TITLE.**

4 This Act may be cited as the “Attacks on Free Press
5 Transparency Act”.

6 **SEC. 2. PRESS COMPLAINTS.**

7 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Attorney
3 General shall establish a electronic system by which
4 members of the press may file a complaint with the
5 Department of Justice alleging misconduct by Fed-
6 eral, State, and local law enforcement agencies and
7 law enforcement officers of such agencies.

8 (2) ATTACHMENTS.—The electronic system
9 shall allow relevant media to be attached, including
10 photos, videos, and audio recordings.

11 (3) ANONYMOUS SUBMISSION.—A complaint
12 may be filed anonymously under this section.

13 (b) PROCEDURE.—

14 (1) COMPLAINT.—A complaint may be filed
15 under this section not later than 180 days after an
16 incident has occurred, Such complaint shall include
17 the following:

18 (A) The date of this incident.

19 (B) The name of each law enforcement of-
20 ficer involved.

21 (C) A detailed description of the incident.

22 (D) Any legal justification or motivation
23 that was provided to the individual by a law en-
24 forcement officer to justify the law enforcement
25 action taken.

1 (E) If applicable, any property searched,
2 damaged, or seized during the incident.

3 (F) If applicable, any audio or visual re-
4 cordings of the incident between the law en-
5 forcement officer and press materials or mis-
6 cellaneous documentation with respect to the in-
7 cident.

8 (2) NOTIFICATION.—Not later than 30 days
9 after a complaint has been filed with the Depart-
10 ment of Justice, the Attorney General shall notify
11 the law enforcement agency that is the subject of the
12 complaint that the complaint has been filed and pro-
13 vide the details of the complaint.

14 (3) RESPONSE.—

15 (A) IN GENERAL.—Any Federal, State, or
16 local law enforcement agency that is the subject
17 of a complaint shall respond not later than 60
18 days after receipt of the notice of the complaint
19 under paragraph (2).

20 (B) CONTENTS OF RESPONSE.—A re-
21 sponse to the complaint shall include the fol-
22 lowing:

23 (i) The date of the incident.

24 (ii) The name of each law enforce-
25 ment officer involved.

1 (iii) A detailed description of the inci-
2 dent.

3 (iv) Any legal justification or motiva-
4 tion that was provided to the individual by
5 the law enforcement officer to justify the
6 law enforcement action taken.

7 (v) If applicable, any property
8 searched, damaged, or seized during the
9 incident.

10 (vi) If applicable, any audio or visual
11 recordings of the incident between the law
12 enforcement officer and press materials or
13 miscellaneous documentation that supports
14 the justification for the law enforcement
15 action taken.

16 (C) BYRNE ENFORCEMENT.—

17 (i) IN GENERAL.—If a State or unit
18 of local government fails to comply with
19 this paragraph for a fiscal year, the State
20 or unit of local government shall be subject
21 to a 50 percent reduction of the amount
22 that would otherwise be awarded in the fol-
23 lowing fiscal year to that State or unit of
24 local government under subpart 1 of part
25 E of title I of the Omnibus Crime Control

1 and Safe Streets Act of 1968 (34 U.S.C.
2 10151 et seq.).

3 (ii) REALLOCATION.—Amounts not al-
4 located to a State or unit of local govern-
5 ment for failure to comply with paragraph
6 (3) shall be reallocated to States and units
7 of local government that have complied
8 with such paragraph in accordance with
9 subpart 1 of part E of title I of the Omni-
10 bus Crime Control and Safe Streets Act of
11 1968 (34 U.S.C. 10151 et seq.).

12 (D) 1033 PROGRAM ENFORCEMENT.—If
13 the Secretary of Defense, in consultation with
14 the Attorney General, determines that a State
15 has failed to respond to 3 or more complaints
16 during a fiscal year, the State may not receive
17 a transfer under section 2576a of title 10,
18 United States Code, until such time as the Sec-
19 retary of Defense, in consultation with the At-
20 torney General, determines that the State is in
21 compliance with the requirements of this Act.

22 (c) MEMBER OF THE PRESS DEFINED.—In this sec-
23 tion, the term member of the press means any individual
24 who works in the gathering, processing, disseminating,
25 and delivery of news and information that serves the pub-

1 lie interest to the public through mass media, including
2 television, radio, and newspapers.

3 **SEC. 3. DEPARTMENT OF JUSTICE REPORT.**

4 Not later than 30 days after the end of each calendar
5 year, the Attorney General shall make available to the
6 public on the Department of Justice website a report that
7 includes a compilation of the complaints received under
8 section 2 with personally identifiable information of in-
9 volved parties redacted.

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