AMENDMENT TO H.R. 7120, AS REPORTED

OFFERED BY M__.

Page 10, line 1, strike “Taser” and insert “electronic control weapon”.

Page 15, insert after line 24 the following:

(d) ENFORCEMENT OF PATTERN OR PRACTICE RELIEF.—Beginning in the first fiscal year that begins after the date that is one year after the date of enactment of this Act, a State or unit of local government that receives funds under the Byrne grant program or the COPS grant program during a fiscal year may not make available any amount of such funds to a local law enforcement agency if that local law enforcement agency enters into or renews any contractual arrangement, including a collective bargaining agreement with a labor organization, that—

(1) would prevent the Attorney General from seeking or enforcing equitable or declaratory relief against a law enforcement agency engaging in a pattern or practice of unconstitutional misconduct; or

(2) conflicts with any terms or conditions contained in a consent decree.
Page 25, line 9, insert “and” after the semicolon at the end.

Page 25, line 13, strike “; and” and insert a period.

Page 25, strike lines 14 through 16.

Page 26, after line 4, insert the following:

(c) ELIGIBILITY FOR CERTAIN GRANT FUNDS.—The Attorney General shall, as appropriate and consistent with applicable law, allocate Department of Justice discretionary grant funding only to States or units of local government that require law enforcement agencies of that State or unit of local government to gain and maintain accreditation from certified law enforcement accreditation organizations in accordance with this section.

Page 41, after line 20, insert the following:

(6) Instances where a law enforcement officer resigns or retires while under active investigation related to the use of force.

Page 90, line 14, strike “Controlled firearms,” and insert “Firearms,”.

Page 90, strike lines 17 through 20, and insert the following:
“(B) Vehicles, except for passenger automobiles (as such term is defined in section 32901(a)(18) of title 49, United States Code) and bucket trucks.

Page 90, beginning on line 21, strike “that are armored, weaponized, or both”.

Page 103, line 10, strike “real time”.

Page 120, line 4, strike “real time”.

Strike title IV and insert the following (and conform the table of contents accordingly):

5 TITLE IV—CLOSING THE LAW ENFORCEMENT CONSENT LOOPHOLE

8 SEC. 401. SHORT TITLE.

This title may be cited as the “Closing the Law Enforcement Consent Loophole Act of 2019”.

11 SEC. 402. PROHIBITION ON ENGAGING IN SEXUAL ACTS WHILE ACTING UNDER COLOR OF LAW.

(a) In General.—Section 2243 of title 18, United States Code, is amended—

(1) in the section heading, by adding at the end the following: “or by any person acting under color of law”;
(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

“(c) OF AN INDIVIDUAL BY ANY PERSON ACTING UNDER COLOR OF LAW.—

“(1) IN GENERAL.—Whoever, acting under color of law, knowingly engages in a sexual act with an individual, including an individual who is under arrest, in detention, or otherwise in the actual custody of any Federal law enforcement officer, shall be fined under this title, imprisonment not more than 15 years, or both.

“(2) DEFINITION.—In this subsection, the term ‘sexual act’ has the meaning given the term in section 2246.”; and

(4) in subsection (d), as so redesignated, by adding at the end the following:

“(3) In a prosecution under subsection (c), it is not a defense that the other individual consented to the sexual act.”.

(b) DEFINITION.—Section 2246 of title 18, United States Code, is amended—

(1) in paragraph (5), by striking “and” at the end;
(2) in paragraph (6), by striking the period at the end and inserting ‘‘; and’’; and

(3) by inserting after paragraph (6) the following:

‘‘(7) the term ‘Federal law enforcement officer’ has the meaning given the term in section 115.’’.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 109A of title 18, United States Code, is amended by amending the item related to section 2243 to read as follows:

‘‘2243. Sexual abuse of a minor or ward or by any person acting under color of law.’’.

SEC. 403. ENACTMENT OF LAWS PENALIZING ENGAGING IN SEXUAL ACTS WHILE ACTING UNDER COLOR OF LAW.

(a) IN GENERAL.—Beginning in the first fiscal year that begins after the date that is one year after the date of enactment of this Act, in the case of a State or unit of local government that does not have in effect a law described in subsection (b), if that State or unit of local government that would otherwise receive funds under the COPS grant program, that State or unit of local government shall not be eligible to receive such funds. In the case of a multi-jurisdictional or regional consortium, if any member of that consortium is a State or unit of local government that does not have in effect a law described in...
subsection (b), if that consortium would otherwise receive funds under the COPS grant program, that consortium shall not be eligible to receive such funds.

(b) DESCRIPTION OF LAW.—A law described in this subsection is a law that—

(1) makes it a criminal offense for any person acting under color of law of the State or unit of local government to engage in a sexual act with an individual, including an individual who is under arrest, in detention, or otherwise in the actual custody of any law enforcement officer; and

(2) prohibits a person charged with an offense described in paragraph (1) from asserting the consent of the other individual as a defense.

(c) REPORTING REQUIREMENT.—A State or unit of local government that receives a grant under the COPS grant program shall submit to the Attorney General, on an annual basis, information on—

(1) the number of reports made to law enforcement agencies in that State or unit of local government regarding persons engaging in a sexual act while acting under color of law during the previous year; and
(2) the disposition of each case in which sexual misconduct by a person acting under color of law was reported during the previous year.

SEC. 404. REPORTS TO CONGRESS.

(a) REPORT BY ATTORNEY GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall submit to Congress a report containing—

(1) the information required to be reported to the Attorney General under section 403(b); and

(2) information on—

(A) 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

(B) the disposition of each case in which sexual misconduct by a person acting under color of law was reported.

(b) REPORT BY GAO.—Not later than 1 year after the date of enactment of this Act, and each year 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 402, committed during the 1-year period covered by the report.
SEC. 405. DEFINITION.

In this title, the term “sexual act” has the meaning given the term in section 2246 of title 18, United States Code.