

103^D CONGRESS
1ST SESSION

H. R. 3332

To strengthen the Federal response to police misconduct.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 1993

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

A BILL

To strengthen the Federal response to police misconduct.

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 “Police Accountability
5 Act of 1993”.

6 **SEC. 2. PATTERN OR PRACTICE CASES.**

7 (a) CAUSE OF ACTION.—

8 (1) UNLAWFUL CONDUCT.—It shall be unlawful
9 for any governmental authority, or any agent there-
10 of, or any person acting on behalf of a governmental
11 authority, to engage in a pattern or practice of con-
12 duct by law enforcement officers that deprives per-

1 sons of rights, privileges, or immunities, secured or
2 protected by the Constitution or laws of the United
3 States.

4 (2) CIVIL ACTION BY ATTORNEY GENERAL.—
5 Whenever the Attorney General has reasonable cause
6 to believe that a violation of paragraph (1) has oc-
7 curred, the Attorney General, for or in the name of
8 the United States, may in a civil action obtain ap-
9 propriate equitable and declaratory relief to elimi-
10 nate the pattern or practice.

11 (3) CIVIL ACTION BY INJURED PERSON.—Any
12 person injured by a violation of paragraph (1) may
13 in a civil action obtain appropriate equitable and de-
14 claratory relief to eliminate the pattern or practice.
15 In any civil action under this paragraph, the court
16 may allow the prevailing plaintiff reasonable attor-
17 neys' fees and other litigation fees and costs (includ-
18 ing expert's fees). A governmental body shall be lia-
19 ble for such fees and costs to the same extent as a
20 private individual.

21 (b) DEFINITION.—As used in this section, the term
22 “law enforcement officer” means an official empowered by
23 law to conduct investigations of, to make arrests for, or
24 to detain individuals suspected or convicted of, criminal
25 offenses.

1 **SEC. 3. CRIMINAL PENALTY.**

2 (a) IN GENERAL.—Chapter 13 (relating to civil
3 rights) of title 18, United States Code, is amended by add-
4 ing at the end the following:

5 **“SEC. 248. POLICE BRUTALITY.**

6 “(a) OFFENSE.—Whoever, being a law enforcement
7 officer and under color of law, subjects any person to force
8 exceeding that which is reasonably necessary to carry out
9 a law enforcement duty, shall be punished under sub-
10 section (b).

11 “(b) PUNISHMENT.—(1) The punishment for an of-
12 fense under this section is a fine under this title, or impris-
13 onment under paragraph (2), or both.

14 “(2) The imprisonment for an offense under this sec-
15 tion shall—

16 “(A) if death results, be for any term of years
17 or for life;

18 “(B) if bodily injury other than death results,
19 be for not more than 10 years; and

20 “(C) in any other case, not exceed one year.

21 “(c) DEFINITION.—As used in this section, the term
22 ‘law enforcement officer’ means an official empowered by
23 law to conduct investigations of, to make arrests for, or
24 to detain individuals suspected or convicted of, criminal
25 offenses.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 13 of title 18, United States
3 Code, is amended by adding at the end the following:

“248. Police brutality.”.

4 **SEC. 4. DATA ON USE OF EXCESSIVE FORCE.**

5 (a) ATTORNEY GENERAL TO COLLECT.—The Attor-
6 ney General shall acquire and annually publish data about
7 complaints to criminal justice authorities about the use of
8 excessive force by law enforcement officers.

9 (b) The Attorney General shall submit to Congress
10 a report analyzing complaints of excessive force by local
11 law enforcement authorities made to federal enforcement
12 authorities with a breakdown—

13 (1) of the racial composition of complainants,

14 (2) the race of officers accused of excessive use
15 of force, and

16 (3) whether federal law enforcement authorities
17 investigated, prosecuted or obtained convictions in
18 each case.

19 (b) GUIDELINES AND PROCEDURES.—The Attorney
20 General shall establish—

21 (1) guidelines for the submission of such data;
22 and

23 (2) procedures for carrying out this section.

24 (c) LIMITATION ON USE OF DATA.—Data acquired
25 under this section shall be used only for research or statis-

1 tical purposes and may not contain any information that
2 may reveal the identity of the complainant or any individ-
3 ual involved in the incident giving rise to the complaint.

4 (d) ANNUAL SUMMARY.—The Attorney General shall
5 publish an annual summary of the data acquired under
6 this section.

7 (e) CRIMINAL JUSTICE ASSISTANCE FUNDS.—

8 (1) Section 503 of title I of the Omnibus Crime
9 Control and Safe Streets Act of 1968 (42 U.S.C.
10 3753) is amended by inserting at the end of sub-
11 section (a) the following:

12 “(12) A certification that the State and its
13 units of local government are providing information
14 to the Attorney General that the Attorney General
15 is obligated to acquire under section 4 of the Police
16 Accountability Act of 1991 regarding complaints to
17 criminal justice authorities about the use of exces-
18 sive force by law enforcement officers.”.

19 (2) Section 503(a)(12) of the Omnibus Crime
20 Control and Safe Streets Act of 1968 (as added by
21 paragraph (1)), shall apply to applications submitted
22 on or after the date that is one year after the date
23 of the enactment of this Act.

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