

CRIMINAL JUSTICE LEGISLATION IN THE 116TH SESSION OF CONGRESS

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In the 116th session of Congress, hundreds of pieces of legislation have proposed criminal justice reform in the United States. The bills listed in this appendix offer a representative sampling of the proposals to reform forensic science, policing, and/or sentencing. In each case, descriptive paragraphs and complete texts of the legislation are available at www.congress.gov.

Alaska Tribal Public Safety Empowerment Act. S.2616 – 116th Congress. Sen. Murkowski, Lisa [R-AK] (Introduced 10/16/2019). This bill would empower tribes in Alaska to exercise the special domestic violence criminal jurisdiction on a pilot basis. Among domestic violence victims in Alaska, Native women are over-represented by 250 percent, yet one in three communities in rural Alaska have no local law enforcement.

Antitrust Criminal Penalty Enhancement and Reform Permanent Extension Act. S.3377 – 116th Congress. Sen. Graham, Lindsey [R-SC] (Introduced 03/03/2020). The purpose of this Act, and the amendments made by this Act, is to strengthen public and private antitrust enforcement by providing incentives for antitrust violators to cooperate fully with government prosecutors and private litigants through the repeal of the sunset provision of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004.

Back the Blue Act of 2019. S.1480 – 116th Congress. Sen. Cornyn, John [R-TX] (Introduced 05/15/2019). This bill proposes to strengthen laws to protect police officers: Creates a new federal crime for killing, attempting to kill or conspiring to kill a federal judge, federal law enforcement officer or federally funded public safety officer. The offender would be subject to the death penalty and a mandatory minimum sentence of 30 years if death results; the offender would otherwise face a minimum sentence of 10 years. Creates a new federal crime for assaulting a federally funded law enforcement officer with escalating penalties, including mandatory minimums, based on the extent of any injury and the use of a dangerous weapon. However, no prosecution can be commenced absent certification by the Attorney General that prosecution is appropriate. Creates a new federal crime for interstate flight from justice to avoid prosecution for killing, attempting to kill or conspiring to kill a federal judge, federal law enforcement officer or federally funded public safety officer. The offender would be subject to a mandatory minimum sentence of 10 years for this offense.

BADGES for Native Communities Act. S.1853 – 116th Congress. Sen. Udall, Tom [D-NM] (Introduced 06/13/2019). BADGES is the acronym for the Bridging Agency Data Gaps and Ensuring Safety for Native Communities Act. The Attorney General shall ensure that— (A) tribal law enforcement officials that meet applicable Federal or State requirements shall be permitted access to national crime information databases; (B) technical assistance and training is provided to Bureau of Indian Affairs and tribal law enforcement agencies to gain access to, and the ability to use and input information into, the National Crime Information Center and other national crime information databases pursuant to section 534 of title 28, United States Code and (C) the Federal Bureau of Investigation coordinates with the Office of Justice Services to ensure tribal law enforcement agencies are assigned appropriate credentials or ORI numbers for uniform crime reporting purposes.

Bail Fairness Act of 2019. H.R.2233 – 116th Congress. Rep. Davis, Danny K. [DIL-7] (Introduced 04/10/2019). This bill allows a state or local government to use Edward Byrne

Memorial Justice Assistance Grant Program funds for bail fairness programs. The term “bail fairness program” means a program that (1) does not impose monetary conditions of release on a person arrested for a misdemeanor, and (2) dismisses criminal charges against an offender who completes a pre-trial diversion program. Any criminal charges filed against an offender may be dismissed if— (A) the offender qualifies for and satisfactorily completes a state-authorized mental health diversion program; (B) the offender qualifies for and satisfactorily completes a state-authorized drug/alcohol abuse diversion program; (C) the offender qualifies for and satisfactorily completes a state-authorized community service diversion program or (D) the offender qualifies for and satisfactorily completes any other state-authorized diversion program that is appropriate to the age of the offender and the offense charged.

Bridging Agency Data Gaps and Ensuring Safety for Native Communities Act. H.R.4289 – 116th Congress. Rep. Haaland, Debra A. [D-NM-1] (Introduced 09/11/2019). The Attorney General, acting through the Director of the National Institute of Justice, shall appoint one or more Tribal liaisons for the National Missing and Unidentified Persons System. The duties of a Tribal liaison appointed under subsection shall include coordinating the reporting of information relating to missing persons cases of interest to Indian tribes and unidentified remains cases of interest to Indian tribes; consulting and coordinating with Indian tribes and relevant tribal organizations to address the reporting, documentation and tracking of missing persons cases of interest to Indian tribes and unidentified remains cases of interest to Indian tribes; developing working relationships, and maintaining communication, with Indian tribes and relevant tribal organizations; providing technical assistance and training to Indian tribes and relevant tribal organizations, victim service advocates, medical examiners and tribal justice officials regarding – the gathering and reporting of information to the National Missing and Unidentified Persons System and working with non-Tribal law enforcement agencies to ensure all missing persons cases of interest to Indian tribes and unidentified remains cases of interest to Indian tribes are reported to the National Missing and Unidentified Persons System.

Calling for the resignation and disbarment of United States Attorney General William P. Barr, and for other purposes. H.Res.757 – 116th Congress. Rep. Rush, Bobby L. [D-IL-1] (Introduced 12/10/2019). Resolved, That the House of Representatives—(1) condemns United States Attorney General William P. Barr for his despicable comments and actions; (2) calls on United States Attorney General William P. Barr to resign; (3) calls on the Virginia State Bar to remove United States Attorney General William P. Barr from its rolls; (4) calls on the New York State Bar Association to remove United States Attorney General William P. Barr from its rolls; (5) calls on the District of Columbia Bar to remove United States Attorney General William P. Barr from its rolls; (6) reaffirms support for the diversity of the United States and (7) reaffirms, in the strongest terms, its support for and commitment to the 14th Amendment to the United States Constitution.

Child Trafficking Victims Protection and Welfare Act. H.R.3729 – 116th Congress. Rep. Roybal-Allard, Lucille [D-CA-40] (Introduced 07/11/2019). The Child Trafficking Victims Protection and Welfare Act requires CBP to consult with experts in child welfare, development and health; develop guidelines for the treatment of children in its custody and require licensed child welfare professionals to be available at certain ports of entry or Border Patrol stations. Such experts will be able to identify victims of trafficking and ensure they

receive adequate care while in CBP custody. The bill would require all children in CBP custody to be provided with basic necessities, including a safe, sanitary and climate-appropriate living environment, adequate nutrition, potable water, educational materials and recreational activities. The CTVPWA also includes a number of provisions to prevent family separation and to assist the Departments of Homeland Security and Health and Human Services in reuniting separated families.

Combating Deceptive Immigration Enforcement Practices Act of 2019. H.R.3498 – 116th Congress. Rep. Velazquez, Nydia M. [D-NY-7] (Introduced 06/26/2019). This bill bars immigration officers or agents of the Department of Homeland Security from wearing clothing, accessories or other items bearing the word police while performing duties under the immigration laws.

Combating Military Sexual Assault Act. S.1495 – 116th Congress. Sen. McSally, Martha [R-AZ] (Introduced 05/15/2019). Ensure military judges have similar authority as civilian judges with relation to pre-trial issues; mandate the development of a plan to form a DoD-wide data management system to better share and track information on criminal cases, including normalizing data so that each military service is tracking the same data in the same way to ease data sharing and tracking; direct the services to create and report on processes for the immediate collaboration at the start of an investigation by Special Victim Investigation and Prosecution (SVIP) teams in order to streamline efforts; mandate that the DoD develop a process to track that Military Protection Orders are shared with civilian authorities; increase capabilities for investigators to meet increasing demand for digital evidence processing and improve the timeliness of investigations.

Courtney Wild Crime Victims' Rights Reform Act of 2019. H.R.4729 – 116th Congress. Rep. Speier, Jackie [D-CA-14] (Introduced 10/17/2019). The Crime Victims' Rights Reform Act, named for one of the sexual assault victims of Jeffrey Epstein, would do the following: Clarify that victims of federal crimes have the right to confer with the Government and be informed about key pre-charging developments in a case, such as plea bargains, non-prosecution agreements and referrals to state and local law enforcement; Increase the ability for victims to assert and protect their rights in court proceedings by expanding victims' right to appeal, allowing victims to challenge proceedings when they weren't given proper notice, allowing victims independently to bring civil actions to recover restitution from offenders and providing attorneys' fees for successful litigation against the Government, as is standard for civil-rights litigation; Require that victims be heard in court when their rights are violated and provide courts discretion to award other just and appropriate relief, including rescinding non-prosecution or deferred prosecution agreements; Build a stronger victim-focused administrative process within DOJ led by a new and authoritative National Coordinator for Victims' Rights, including enforceable disciplinary sanctions and compensatory awards for egregious violations of victims' CVRA rights; Facilitate more private advocacy for victims by reauthorizing victim legal assistance grants that have lapsed and authorizing a grant for a national resource center on crime victims' rights.

Criminal Antitrust Anti-Retaliation Act of 2019. S.2258 – 116th Congress. Sen. Grassley, Chuck [R-IA] (Introduced 07/24/2019). This bill prohibits employers from retaliating against certain employees who report criminal antitrust violations to the federal government. Among other things, the bill sets forth provisions that authorize an employee to seek relief by filing a complaint with the Department of Labor or to bring an action in U.S. district court if the

individual alleges discharge or other discrimination by an employer who violates the prohibition against retaliation.

Deterring Undue Enforcement by Protecting Rights Of Citizens from Excessive Searches and Seizures Act of 2019. H.R.2835 – 116th Congress. Rep. Sensenbrenner, F. James, Jr. [R-WI-5] (Introduced 05/17/2019). The DUE PROCESS Act builds upon changes made in the 2000 Civil Action Forfeiture Reform Act by increasing transparency in the civil asset forfeiture process, adding protections for innocent property owners and implementing additional protections to ensure property owners have the opportunity to contest seizures. The legislation also improves the notice that the government must give property owners and makes it easier for them to be heard by a judge. Additionally, the DUE PROCESS Act entitles property owners to an initial hearing, where they can retrieve confiscated property immediately if it was not seized according to the law. It increases the availability of attorney fees for innocent owners, and places a higher burden of proof on the government.

Ending Too Big to Jail Act. S.1005 – 116th Congress. Sen. Warren, Elizabeth [DMA] (Introduced 04/03/2019). This bill proposes to establish a permanent investigative unit for financial crimes: The bill creates an investigative unit within the Treasury Department that is focused exclusively on investigating crime within financial institutions and conducting material loss reviews after institutions fail. The bill reconstitutes the Special Inspector General for the Troubled Asset Relief Program (SIGTARP) as the Special Inspector General for Financial Institution Crime (SIGFIC) and expands its jurisdiction so that it can use its specialized skills and expertise, relationships with financial regulators and law enforcement agencies and cross-jurisdictional view of the whole financial industry to investigate and help prosecute financial crimes.

Equal Protection of Unaccompanied Minors Act. H.R.574 – 116th Congress. Rep. Meadows, Mark [R-NC-11] (Introduced 01/15/2019). This bill amends rules for the treatment of unaccompanied alien children and asylum-seeking families, and for detaining and removal of various types of aliens. The bill requires the Department of Homeland Security (DHS) to return an inadmissible unaccompanied child to the child's country of nationality or last habitual residence, where currently DHS has discretion to do so. Interviews with unaccompanied alien children shall be conducted by those with specialized training for interviewing child trafficking victims. Before placing an alien child with an individual, the Department of Health and Human Services (HHS) shall provide DHS with various information, including the individual's immigration status and contact information. DHS shall initiate removal proceedings if the individual is unlawfully present in the United States. Under the bill, unaccompanied alien children in DHS or HHS custody shall have access to counsel in legal proceedings, where currently such children shall have counsel. DHS shall have authority to extend the detention periods for various categories of removable aliens. The bill also expands the definitions of various types of crimes, such as those related to explosive materials, that are aggravated felonies or crimes of violence for immigration purposes. Aliens associated with criminal gangs shall be inadmissible to the United States and deportable. The bill directs DHS, the Department of Justice and HHS to maintain facilities for housing asylum applicants and their children, and increases the number of immigration judges and Board of Immigration Appeals attorneys and necessary support staff.

Fair Chance Act. H.R.1076 – 116th Congress. Rep. Cummings, Elijah E. [D-MD-7] (Introduced

02/07/2019). The Fair Chance Act will “Ban the Box” and prohibit the federal government and federal contractors from asking about the criminal history of job applicants early on in the hiring process. The Act will: Prevent the federal government – including the executive, legislative and judicial branches – from requesting criminal history information from applicants until they reach the conditional offer stage. Prohibit federal contractors from requesting criminal history information from candidates for positions within the scope of federal contracts until the conditional offer stage. Include important exceptions for positions related to law enforcement and national security duties, positions requiring access to classified information and positions for which access to criminal history information before the conditional offer stage is required by law. This bill was incorporated into the National Defense Authorization Act for Fiscal Year 2020 that was signed into law by President Donald Trump on December 20, 2019.

Fair Chance at Housing Act of 2018. H.R.3685 – 116th Congress. Rep. Ocasio-Cortez, Alexandria [D-NY-14] (Introduced 07/10/2019). The Fair Chance at Housing Act of 2019 would do the following: Ban “no-fault” policies, which allow an entire family to be evicted for criminal activity by a guest of a household member even without the knowledge of anyone in the household; Raise the standards of evidence to be used by public housing authorities (PHAs) and owners and require a holistic consideration of all mitigating circumstances when making screening or eviction determinations based on criminal activity; Ensure that tenants who are evicted for criminal activity and applicants who are denied admission for criminal activity are given adequate written notice of the reasons for the decision, and the opportunity to present mitigating evidence or appeal a decision.

Families, Not Facilities Act of 2019. S.388 – 116th Congress. Sen. Harris, Kamala D. [D-CA] (Introduced 02/07/2019). This bill amends provisions related to the safety of minor aliens that enter the United States unaccompanied by a guardian. When placing an unaccompanied alien child with a proposed custodian, the Department of Homeland Security (DHS) shall not consider the custodian’s immigration status. DHS shall not use certain information obtained for placing a child with a custodian to apprehend, detain or deport certain individuals, including the child, proposed sponsor or a person living with the sponsor. The Office of Refugee Settlement shall provide services for unaccompanied alien children after they have been released, to help them transition into their communities and to connect them with legal representation. Money appropriated to the U.S. Immigration and Customs Enforcement (ICE) for FY2019 shall be redirected to fund such services. Other money appropriated for ICE shall be redirected to various programs to investigate and prevent child trafficking. This bill also establishes the Office of Refugee Resettlement Advisory Committee on Shelters for Unaccompanied Alien Children. The advisory committee may conduct unannounced inspections of Office of Refugee Settlement shelters that hold unaccompanied alien children and shall issue reports on its investigations and recommendations regarding the shelters.

Federal Police Camera and Accountability Act of 2019. H.R.3364 – 116th Congress. Rep. Norton, Eleanor Holmes [D-DC-At Large] (Introduced 06/19/2019). This bill establishes requirements for federal law enforcement officers in uniform to wear body cameras and for federal law enforcement agencies to install video cameras in patrol cars.

George Floyd Justice in Policing Act of 2020. H.R.7120 – 116th Congress. Rep. Bass, Karen [D-CA] (Introduced 06/08/2020). This bill addresses a wide range of policies and issues

regarding policing practices and law enforcement accountability. It includes measures to increase accountability for law enforcement misconduct, to enhance transparency and data collection, and to eliminate discriminatory policing practices. The bill facilitates federal enforcement of constitutional violations (e.g., excessive use of force) by state and local law enforcement. Among other things, it does the following: lowers the criminal intent standard—from willful to knowing or reckless—to convict a law enforcement officer for misconduct in a federal prosecution, limits qualified immunity as a defense to liability in a private civil action against a law enforcement officer or state correctional officer, and authorizes the Department of Justice to issue subpoenas in investigations of police departments for a pattern or practice of discrimination. The bill also creates a national registry—the National Police Misconduct Registry—to compile data on complaints and records of police misconduct. It establishes a framework to prohibit racial profiling at the federal, state, and local levels. The bill establishes new requirements for law enforcement officers and agencies, including to report data on use-of-force incidents, to obtain training on implicit bias and racial profiling, and to wear body cameras.

Grand Jury Reform Act of 2020. H.R.5779 – 116th Congress. Sen. Hoeven, John [R-ND] (Introduced 01/24/2019). This bill conditions a state or local government’s receipt of funds under the Edward Byrne Memorial Justice Assistance Grant program on the state’s compliance with certain requirements following an incident involving the use of deadly force by a local law enforcement officer that results in a person’s death. Specifically, the governor must appoint a special prosecutor to present evidence before a judge to determine whether probable cause exists to criminally charge the law enforcement officer. The hearing must be open to the public.

Gun Violence Prevention and Community Safety Act of 2020. S.3254 – 116th Congress. Sen. Warren, Elizabeth [D-MA] (Introduced 02/05/2020). The Gun Violence Prevention and Community Safety Act would do the following: Create a federal gun licensing system and require a federal or state-issued firearms license to purchase or own a gun, and establish a grant program to help states set up their own systems; Require universal background checks, close legal loopholes that allow individuals to skirt background check requirements, and require background check denials to be reported to law enforcement; Keep guns out of the wrong hands by banning individuals who present safety risks from buying guns, establishing Extreme Risk Protection Order systems, and cracking down on gun theft; Ensure that guns are used and stored responsibly by raising the minimum age for all gun or ammunition purchases to 21, establishing a 7-day waiting period for the purchase of all guns, strengthening gun storage laws and banning guns on all school campuses; Keep weapons of war off our streets by banning military-style assault weapons, lethal gun accessories and untraceable and undetectable firearms; Crack down on gun trafficking by banning bulk gun purchases and establishing a new law to specifically ban gun trafficking

Immigration Detainer Enforcement Act of 2019. H.R.4948 – 116th Congress. Rep. Bishop, Dan [R-NC-9] (Introduced 10/31/2019). Gives explicit authority to the arresting Federal, State, tribal or local law enforcement agency to maintain custody of an illegal immigrant for a period not to exceed 48 hours to permit assumption of custody by the DHS, upon the issuance of a detainer. Allows the federal government to enter into agreements with the arresting law enforcement agency to indemnify these agencies against wrongful detention claims by third parties which resulted from a detainer issued without reason to believe the

individual is a removable illegal immigrant. Indemnification will not extend to claims relating to negligence or willful misconduct. Makes jurisdictions ineligible for reimbursement of detention costs if they are certified by the DHS Secretary as being noncompliant with ICE. Jurisdictions that are deemed noncompliant by the DHS Secretary will not receive priority when being considered for funding from the Edward Byrne Memorial Justice Assistance Grant Program and when benefitting from the 1033 and 1122 programs.

Justice Act. S.3985 – 116th Congress. Sen. Scott, Tim [R-SC] (Introduced 06/17/2020). This is the bill introduced by Senate Republicans as an alternative to the George Floyd Justice in Policing Act introduced in the House by Representative Karen Bass. This Senate bill would do the following: (1) Establish a “National Use-of-Force” Data Collection system; (2) Provide grants to law enforcement agencies for the purchase of body-worn cameras and establish penalties for failure to use them; (3) Require that police departments retain records of investigations of use-of-force incidents; (4) Make lynching a federal crime; (5) Establish a federal “Commission on the Status of Black Men and Boys” to study conditions affecting Black men and boys; (6) Provide federal funding for police training on the use of force and de-escalation techniques; (7) Establish a “National Criminal Justice Commission” to undertake a comprehensive review of the criminal justice system; and (8) Provide federal grants to encourage local law enforcement agencies to increase the racial and ethnic demographic makeup of law enforcement officers.

Justice in Forensic Algorithms Act of 2019. H.R.4368 – 116th Congress. Rep. Takano, Mark [D-CA-41] (Introduced 09/17/2019). Not later than 1 year after the date of enactment of this Act, the Director of the National Institute of Standards and Technology shall establish a program to provide for creation and maintenance of standards for the development and use of computational forensic software, to be known as the Computational Forensic Algorithm Standards, consistent with the following: Standards shall include an assessment for the potential for disparate impact, on the basis of race, ethnicity, socioeconomic status, gender and other demographic features, in the development and use of the computational forensic software.

Law Enforcement Inclusion Act of 2019. H.R.4168 – 116th Congress. Rep. Lewis, John [D-GA-5] (Introduced 08/06/2019). This bill would amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide that COPS grant funds may be used to hire and train new, additional career law enforcement officers who are residents of the communities they serve.

Law Enforcement Trust and Integrity Act of 2019. S.3063 – 116th Congress. Sen. Cardin, Benjamin L. [D-MD] (Introduced 12/17/2019). The Attorney General shall adopt policies and procedures to partner with law enforcement accreditation organizations, professional law enforcement associations, labor organizations, community-based organizations and professional civilian oversight organizations to continue the development of further accreditation standards consistent with paragraph (2) and to encourage the pursuit of accreditation of Federal, State, local and tribal law enforcement agencies by certified law enforcement accreditation organizations. Juvenile Justice And School Safety: The development of uniform standards on juvenile justice and school safety, including standards relating to interaction and communication with juveniles, physical contact, use of lethal and nonlethal force, notification of a parent or guardian, interviews and questioning, custodial interrogation, audio and video recording, conditions of custody, alternatives to arrest, referral to child protection agencies and removal from school grounds or campus.

Marijuana Opportunity Reinvestment and Expungement Act of 2019. H.R.3884 – 116th Congress. Rep. Nadler, Jerrold [D-NY-10] (Introduced 07/23/2019). The act would remove cannabis from the Controlled Substances Act and tax cannabis products at 5 percent to establish trust funds for various purposes. The legislation prohibits the denial of any federal public benefits, like housing, on the basis of cannabis use and states that use or possession of marijuana would have no adverse impact under immigration laws. According to USA Today, “The trust funds the Act would create include the Community Reinvestment Grant, which would provide funding for services such as job training, re-entry services and legal aid; the Cannabis Opportunity Grant, which would provide funds to assist small businesses in the pot industry and the Equitable Licensing Grant, which minimizes barriers to gain access to marijuana licensing and employment for those most impacted by the so-called war on drugs.” The act would also establish a Cannabis Justice Office within the Department of Justice Office of Justice Programs, responsible for administering the grants.

Military Justice Improvement Act of 2019. S.1789 – 116th Congress. Sen. Gillibrand, Kirsten E. [D-NY] (Introduced 06/11/2019). The Military Justice Improvement Act would do the following: Grant the authority to send criminal charges to trial (disposition authority) to designated judge advocates (military lawyers) in the rank of O-6 or higher who possess significant criminal justice experience; ensure that judge advocates vested with disposition authority would be outside the chain of command of the accused; exercise professional prosecutorial judgment when deciding whether to proceed to court martial; render decisions to proceed to trial free from conflicts of interest.

National Criminal Justice Commission Act of 2019. S.2434 – 116th Congress. Sen. Peters, Gary C. [D-MI] (Introduced 08/01/2019). This bill establishes the National Criminal Justice Commission. The commission must conduct a comprehensive review of the criminal justice system; make recommendations for criminal justice reform and disseminate findings and guidance to the federal government and to state, local and tribal governments. Not later than 18 months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress recommendations for changes in Federal oversight, policies, practices and laws designed to prevent, deter and reduce crime and violence, reduce recidivism, improve cost-effectiveness and ensure the interests of justice at every step of the criminal justice system.

Next Step Act of 2019. S.697 – 116th Congress. Sen. Booker, Cory A. [D-NJ] (Introduced 03/07/2019). The Next Step Act would: Reduce harsh mandatory minimums for nonviolent drug offenses: the 20-year mandatory minimum would be reduced to 10 years, the 10-year mandatory minimum would be reduced to 5 years, and the 5-year mandatory minimum would be reduced to 2 years; Eliminate the disparity between crack and powder cocaine sentences (currently it is 18:1); End the federal prohibition on marijuana, expunge records and reinvest in the communities most harmed by the War on Drugs; “Ban the Box” by prohibiting federal employers and contractors from asking a job applicant about their criminal history until the final stages of the interview process, so that formerly incarcerated individuals get a fairer, more objective shot at finding meaningful employment; Removing barriers for people with criminal convictions to receiving an occupational license for jobs, such as hair dressers and taxi drivers; Reinstate the right to vote in federal elections for formerly incarcerated individuals (blacks are more than four times as likely than whites to have their voting rights revoked because of a criminal conviction); Create a federal pathway

to sealing the records of nonviolent drug offenses for adults and automatically sealing (and in some cases expunging) juvenile records; Ensure that anyone released from federal prison receives meaningful assistance in obtaining a photo-ID, birth certificate, social security card or work authorization documents; Improve the ability of those behind bars to stay in touch with loved ones, by banning the practice of charging exorbitant rates for phone calls (upwards of \$400-\$500 per month) and ensuring authorities take into consideration where someone's kids are located when placing them in a federal facility, a circumstance that acutely impacts women since there are far fewer women's prisons than men's prison' Provide better training for law enforcement officers in implicit racial bias, de-escalation and use-of-force; Ban racial and religious profiling; Improve the reporting of police use-of-force incidents (currently the Department of Justice is required to report use-of-force statistics to Congress, but states and local law enforcement agencies are not required to pass that information on to federal authorities, creating a significant gap in data that could be used to improve policies and training).

No Sanctuary for Criminals Act of 2019. H.R.1928 – 116th Congress. Rep. Reschenthaler, Guy [R-PA-14] (Introduced 03/27/2019) This bill bars any government entity or individual from prohibiting or restricting a government entity, official or other personnel from (1) complying with immigration laws, (2) cooperating with immigration enforcement, (3) making inquiries to an individual to obtain immigration-related information or (4) complying with immigration-related informational inquiries from federal law enforcement entities. States or local entities that fail to comply with such a bar shall be ineligible for certain federal funds and grants for at least one year. (Such provisions expand on current provisions barring a government entity or official from prohibiting or restricting a government entity or official from exchanging certain information with federal immigration officials.) The Department of Homeland Security (DHS) may issue a detainer as to an individual in federal or state custody if DHS has probable cause to believe the individual is an inadmissible or deportable alien. (Currently, the statute allows immigration officials to issue a detainer for an individual who has been arrested for violating a controlled substance-related law if such officials have reason to believe the individual is violating immigration laws. Current DHS policy allows for the issuance of detainers in other situations as well, though this policy has been called into question by a federal district court, and this bill would provide statutory authority for the current policy.) A victim of a felony (or certain close relatives) for which an alien has been convicted and sentenced for at least one year may sue each state or local government entity or official if the defendant (1) refused to honor an immigration-law related detainer and released the alien from custody prior to the crime or (2) has a policy of not complying certain immigration enforcement-related laws.

Police Exercising Absolute Care With Everyone Act of 2019. H.R.4359 – 116th Congress. Rep. Khanna, Ro [D-CA-17] (Introduced 09/17/2019). The PEACE Act would only permit lethal force by federal officers when necessary to prevent loss of life and serious bodily injury. Additionally, it would only permit less-than-lethal force when necessary. This act also directs the Attorney General to create guidance on the use of lethal force and less-than-lethal force on vulnerable populations including pregnant women, young people, elderly people, people with disabilities and others. It also limits states and localities from receiving Byrne JAG funds for the years in which their use of force by police statutes are dissimilar to that outlined in the bill.

Police Training and Independent Review Act of 2019. S.1938 – 116th Congress. Sen. Duckworth, Tammy [D-IL] (Introduced 06/20/2019). This bill would provide financial incentives for jurisdictions who utilize one of the following procedures for investigating police incidents involving deadly force: The use of an independent agency, civilian review board or outside law enforcement department, such as the State Police, responsible for independently investigating and prosecuting all officer use of force allegations; the appointment of the State Attorney General or a special prosecutor overseen by the State Attorney General, responsible for conducting the criminal investigation and prosecution; the use of an independent prosecutor, who does not reside or work in the same county as the county where the officer's use of force was committed.

POWER Act. S.2929 – 116th Congress. Sen. Menendez, Robert [D-NJ] (Introduced 11/21/2019). The “Protect Our Workers from Exploitation and Retaliation Act” or “POWER Act” would provide protection for immigrant farm workers. U visas for victims of retaliation: The POWER Act would expand eligibility for a U visa to certain workers involved in a workplace claim who reasonably fear or have actually been threatened with force, physical restraint, serious harm or other abuses. In addition, the bill expands which law enforcement agencies are able to certify to include relevant state and local investigative authorities to meet current realities of workplace abuse. Stay of removal and employment authorization: Workers who have filed or who are material witnesses in a workplace claim may receive a stay of removal and employment authorization until the workplace claim is resolved. This would allow labor law enforcement agencies such as the U.S. Department of Labor (DOL) to more effectively prosecute employers who break the law. Strengthening labor agencies' investigative powers: In certain situations, DHS would be required to ensure that workers detained as part of worksite immigration enforcement are not removed from the U.S. before an agency investigating allegations of labor violations has a chance to interview these workers.

Protecting American Lives Act. H.R.2988 – 116th Congress. Rep. Gooden, Lance [R-TX-5] (Introduced 05/23/2019). This bill proposes to change immigration enforcement in the following ways: Clearly defines sanctuary jurisdictions and prohibits sanctuary policies that violate federal law; Prohibits federal law enforcement funds from going to states and cities that do not comply with detainer requests; Requires state and local jurisdictions to comply with ICE detainers; Provides protections for law enforcement officers that comply with an ICE detainer in case they are later sued by an illegal immigrant; Makes it illegal for a state or local government to fire or discriminate against one of its law enforcement officers for following federal law; Increases the minimum mandatory prison sentence for illegal re-entry from two years to five years.

Protecting Communities and Preserving the Second Amendment Act of 2019. S.1519 116th Congress. Sen. Grassley, Chuck [R-IA] (Introduced 05/16/2019). This bill proposes to do the following: Increase federal prosecution of gun violence by establishing the Nationwide Project Exile Program and establishing a high-level federal taskforce; Responsibly addresses gun violence by criminalizing straw purchasing of firearms and gun trafficking; Protect the Second Amendment rights of members of the armed forces; Require the Department of Justice to explain to Congress why it has or has not been prosecuting gun cases; Place limitations on operations like Fast and Furious by DOJ; Allow firearms dealers to utilize the NICS database to for voluntary background checks of employees and allow

firearms dealers to access the FBI's National Crime Information Center stolen-gun database to ensure that a firearm is not stolen prior to acquisition.

Protecting Sensitive Locations Act. S.2097 – 116th Congress. Sen. Blumenthal, Richard [D-CT] (Introduced 07/11/2019). This bill prohibits immigration enforcement actions within 1,000 feet of a sensitive location unless there are exigent circumstances or if written prior approval has been obtained from certain officials. Sensitive locations include health care facilities; schools and school bus stops; places that provide assistance for people such as children, pregnant women and abuse victims; places that provide disaster or emergency services; places of worship; courthouses and lawyers' offices and public assistance offices.

Recognizing that the United States Has a Moral Obligation to Meet its Foundational Promise of Guaranteed Justice for All. H.Res.702 – 116th Congress. Rep. Pressley, Ayanna [D-MA-7] (Introduced 11/14/2019). It should be the responsibility of the Federal Government to make America more free by dramatically reducing jail, prison and immigration detention populations; make America more equal by eliminating racial disparities, wealth-based discrimination and corporate profiteering; make America more secure by investing in the communities most destabilized by the failed policies of over-policing and mass incarceration and make America more just and humane by ensuring basic resources needed to feel safe are equitably provided to all people.

Refugee Protection Act of 2019. S.2936 – 116th Congress. Sen. Leahy, Patrick J. [D-VT] (Introduced 11/21/2019). This bill proposes to put an end to "asylum ban 2.0," the Administration's rule barring asylum for virtually all non-Mexicans arriving at the southern border; allow those denied asylum due to the Administration's cruel Migrant Protection Protocols (MPP) or asylum bans to reopen their cases; eliminate the current practice of "metering," which restricts the number of asylum seekers permitted to request protection at border; prohibit any criminal prosecution of asylum seekers for merely crossing the border and ensure that asylum seekers are not subjected to needless, punitive detention and guarantee access to counsel for immigrant and asylum-seeking children.

Responsibly Addressing the Marijuana Policy Gap Act of 2019. H.R.1119 – 116th Congress. Rep. Blumenauer, Earl [D-OR-3] (Introduced 02/08/2019). This bill removes federal restrictions on, and creates new protections for, marijuana-related conduct and activities that are authorized by state or tribal law (i.e., state-authorized). Among other things, the bill does the following: eliminates regulatory controls and administrative, civil and criminal penalties under the Controlled Substances Act for state-authorized marijuana-related activities; allows businesses that sell marijuana in compliance with state or tribal law to claim certain federal tax credits and deductions; eliminates restrictions on print and broadcast advertising of state-authorized marijuana-related activities; creates protections for depository institutions that provide financial services to marijuana-related businesses; specifies that a marijuana-related business is entitled to federal bankruptcy protections; establishes a process to expunge criminal records related to certain marijuana-related convictions; reestablishes federal student aid eligibility for certain students convicted of a misdemeanor offense for marijuana possession; exempts real property from civil forfeiture due to state-authorized marijuana-related conduct; prohibits the inadmissibility or deportability of aliens for state-authorized marijuana-related conduct; specifies that drug-related criminal activity, which is prohibited in federally assisted housing, does not include state-authorized marijuana-related conduct; establishes a new, separate registration process to facilitate

medical marijuana research; authorizes health care providers employed by the Department of Veterans Affairs to recommend participation in state marijuana programs and authorizes medical providers through an Indian health program to make medical recommendations regarding marijuana.

Safeguarding Americans' Private Records Act of 2020. H.R.5675 – 116th Congress. Rep. Lofgren, Zoe [D-CA-19] (Introduced 01/24/2020). The bill prohibits the warrantless collection of cell site location and GPS information as well as browsing history and internet search history, and ensures that the government cannot conduct collection for intelligence purposes that would violate the Fourth Amendment in the criminal context. The bill eliminates the vague “relevance” standard that was secretly used to justify bulk collection. It establishes a three-year limitation on retention of information that is not foreign intelligence or evidence of a crime and permits the FISA Court to review compliance with minimization procedures.

School Resource Officer Act of 2019. H.R.916 – 116th Congress. Rep. Mitchell, Paul [R-MI-10] (Introduced 01/30/2019). This bill reauthorizes through FY2023 the Community Oriented Policing Services (COPS) program and modifies it to restore authority to make COPS grants for hiring and rehiring additional career law enforcement officers, and to specify that at least 30% of the amount made available for such grants must be used for school resource officers.

Second Look Act of 2019. S.2146 – 116th Congress. Sen. Booker, Cory A. [D-NJ] (Introduced 07/17/2019). This bill would allow federal judges to reconsider and modify a prison sentence that is more than 10 years, if the following conditions apply: A person has served least 10 years of their sentence and the court finds that the defendant is not a danger to any person or community; the defendant presents no credible risk of criminal conduct; the defendant demonstrates a readiness for reentry and the interests of justice warrant a sentence modification.

Technology in Criminal Justice Act of 2019. H.R.5227 – 116th Congress. Rep. Demings, Val Butler [D-FL-10] (Introduced 11/21/2019). This bill would establish a new ‘Office of Digital Law Enforcement’ at the Department of Justice to help law enforcement agencies train and support personnel on how to handle digital evidence; a new ‘Center of Excellence for Digital Forensics’ to centralize training programs, technical expertise and legal assistance related to digital evidence; a new ‘Law Enforcement Technology Support to State and Local Law Enforcement’ program to help guide DOJ grants to help law enforcement handle digital evidence and a new ‘Technology Policy Advisory Board’ to coordinate between the technology and law enforcement communities and advise the Attorney General on best practices.

Tribal Law and Order Reauthorization and Amendments Act of 2019. S.210 – 116th Congress. Sen. Hoeven, John [R-ND] (Introduced 01/24/2019). Notwithstanding any other provision of Federal law, law enforcement officers of any Indian tribe that has contracted or compacted any or all Federal law enforcement functions through the Indian Self-Determination and Education Assistance Act shall have the authority to enforce Federal law within the area under the tribe’s jurisdiction, if the tribal officers involved have completed training that is comparable to that of an employee of the Office of Justice Services of the Bureau of Indian Affairs who is providing the same services in Indian country, as determined by the Director

of the Office of Justice Services of the Bureau of Indian Affairs or the Director's designee.

Violence Against Women Reauthorization Act of 2019. S.2920 – 116th Congress. Sen. Ernst, Joni [R-IA] (Introduced 11/20/2019). Among other things, this bill would “develop, implement and train on best practices regarding victim-centered approaches in domestic violence, sexual assault, dating violence and stalking cases, including policies addressing the use of bench warrants, body attachments and material witness warrants for victims who fail to appear; train and maintain a designated VAWA Officer in State and local law enforcement agencies to coordinate and support the response to domestic violence, dating violence, sexual assault and stalking.”