

116TH CONGRESS
2D SESSION

H. R. 7384

To reform policing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2020

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

A BILL

To reform policing, 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 “Safer Communities
5 Act”.

6 **SEC. 2. LAW ENFORCEMENT RECORDS RETENTION.**

7 (a) IN GENERAL.—Part E of title I of the Omnibus
8 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
9 10151 et seq.) is amended by adding at the end the fol-
10 lowing:

1 **“Subpart 4—Law Enforcement Records Retention**

2 **“SEC. 531. LAW ENFORCEMENT RECORDS RETENTION.**

3 “(a) DEFINITIONS.—In this section—

4 “(1) the term ‘applicable covered system’, with
5 respect to a law enforcement agency, means the cov-
6 ered system of the covered government of which the
7 law enforcement agency is part;

8 “(2) the term ‘covered government’ means a
9 State or unit of local government;

10 “(3) the term ‘covered system’ means a system
11 maintained by a covered government under sub-
12 section (b); and

13 “(4) the term ‘disciplinary record’—

14 “(A) means any written document regard-
15 ing an allegation of misconduct by a law en-
16 forcement officer that—

17 “(i) is substantiated and is adju-
18 dicated by a government agency or court;
19 and

20 “(ii) results in—

21 “(I) adverse action by the em-
22 ploying law enforcement agency; or

23 “(II) criminal charges; and

24 “(B) does not include a written document
25 regarding an allegation described in subpara-
26 graph (A) if the adjudication described in

1 clause (i) of that subparagraph has been over-
2 turned on appeal.

3 “(b) RECORDS RETENTION REQUIREMENTS.—

4 “(1) RECORDS RETENTION SYSTEM.—A covered
5 government that receives funds under this part shall
6 maintain a system for sharing disciplinary records of
7 law enforcement officers that meets the require-
8 ments under paragraph (2).

9 “(2) REQUIREMENTS.—In administering a cov-
10 ered system, a covered government shall—

11 “(A) retain each disciplinary record or in-
12 ternal investigation record regarding a law en-
13 forcement officer that is prepared by a law en-
14 forcement agency of the covered government;

15 “(B) retain a record of each award or com-
16 mendation regarding a law enforcement officer
17 that is prepared by a law enforcement agency
18 of the covered government;

19 “(C) establish a policy that ensures that
20 each record included in the covered system is
21 retained and accessible for not less than 30
22 years;

23 “(D) allow a law enforcement officer, coun-
24 sel for a law enforcement officer, or the rep-

1 representative organization of a law enforcement
2 officer to—

3 “(i) submit information to the covered
4 system relating to a disciplinary record or
5 internal investigation record regarding the
6 law enforcement officer that is retained
7 under subparagraph (A); or

8 “(ii) obtain access to the covered sys-
9 tem in order to review a disciplinary record
10 or internal investigation record described
11 in clause (i);

12 “(E) allow any Federal, State, or local law
13 enforcement agency to access any record in-
14 cluded in the covered system for the purpose of
15 making a decision to hire a law enforcement of-
16 ficer;

17 “(F) require that, before hiring a law en-
18 forcement officer, a representative of a law en-
19 forcement agency of the covered government
20 with hiring authority—

21 “(i) search the applicable covered sys-
22 tem of each law enforcement agency that
23 has employed the applicant as a law en-
24 forcement officer in order to determine
25 whether the applicant has a disciplinary

1 record, internal investigation record, or
2 record of an award or commendation on
3 file; and

4 “(ii) if a record described in clause (i)
5 exists, review the record in full before hir-
6 ing the law enforcement officer; and

7 “(G) prohibit access to the covered system
8 by any individual other than an individual who
9 is authorized to access the covered system for
10 purposes of—

11 “(i) submitting records or other infor-
12 mation to the covered system as described
13 in subparagraphs (A), (B), and (D); or

14 “(ii) reviewing records or other infor-
15 mation in the covered system as described
16 in subparagraphs (E) and (F).

17 “(c) INELIGIBILITY FOR FUNDS.—

18 “(1) IN GENERAL.—A covered government may
19 not receive funds under section 505, 506, 515, or
20 516 unless the covered government is in compliance
21 with subsection (b) of this section.

22 “(2) REALLOCATION.—Amounts not allocated
23 under a section referred to in paragraph (1) to a
24 covered government for failure to comply with sub-
25 section (b) shall be reallocated under that section to

1 covered governments that have complied with sub-
2 section (b).

3 “(d) ONE-TIME GRANT.—

4 “(1) IN GENERAL.—The Attorney General shall
5 award a grant to each State, using an apportion-
6 ment formula that reflects the differences between
7 each State, to be used by the State and units of
8 local government within the State to establish cov-
9 ered systems.

10 “(2) AMOUNT.—The amount of a grant award-
11 ed to a State under paragraph (1) shall be not less
12 than \$1,000,000.

13 “(3) DIRECT APPROPRIATIONS.—For the pur-
14 pose of making grants under this subsection, there
15 is authorized to be appropriated, and there is appro-
16 priated, out of any money in the Treasury not other-
17 wise appropriated, \$100,000,000, to remain avail-
18 able until expended.

19 “(e) INDEMNIFICATION.—

20 “(1) IN GENERAL.—The United States shall in-
21 demnify and hold harmless a covered government,
22 and any law enforcement agency thereof, against
23 any claim (including reasonable expenses of litiga-
24 tion or settlement) by any person or entity related
25 to—

1 “(A) the retention of records in a covered
2 system as required under subsection (b); or

3 “(B) the review of records included in a
4 covered system as required under subsection
5 (b).

6 “(2) LIMITATION.—Paragraph (1) shall not
7 apply to the release of a record—

8 “(A) to a non-law enforcement entity or in-
9 dividual; or

10 “(B) for a purpose other than making a
11 decision to hire a law enforcement officer.”.

12 (b) EFFECTIVE DATE.—Section 531(c) of title I of
13 the Omnibus Crime Control and Safe Streets Acts of
14 1968, as added by subsection (a), shall take effect on Oc-
15 tober 1 of the first fiscal year beginning after the date
16 of enactment of this Act.

17 **SEC. 3. DAVID DORN FORMER PUBLIC SAFETY OFFICERS’**
18 **BENEFITS.**

19 Section 1205 of title I of the Omnibus Crime Control
20 and Safe Streets Act of 1968 (34 U.S.C. 10285) is amend-
21 ed by adding at the end the following new subsection:

22 “(o)(1) For the purposes of a benefit under sub-
23 section (a), an eligible retired public safety officer is
24 deemed to be a public safety officer who has died as the

1 direct and proximate result of a personal injury sustained
2 in the line of duty.

3 “(2) In this section—

4 “(A) the term ‘eligible retired public safety offi-
5 cer’ is an individual who—

6 “(i) has separated from law enforcement
7 service with a public agency in good standing
8 and without record of any complaint resulting
9 in disciplinary action;

10 “(ii) was engaged in a public or private se-
11 curity employment obligation at the time such
12 individual was killed; and

13 “(iii) whose death was not caused by an
14 immediate relative of such individual; and

15 “(B) the term ‘immediate relative’ means a
16 spouse, father, mother, guardian, brother, sister,
17 son, daughter, father-in-law, mother-in-law, brother-
18 in-law, sister-in-law, son-in-law, daughter-in-law, or
19 any other individual who could make a claim under
20 this section.”.

21 **SEC. 4. GAO STUDY ON SETTLEMENT OR COLLABORATIVE**
22 **AGREEMENTS.**

23 Not later than 1 year after the date of enactment
24 of this Act, the Comptroller General of the United States
25 shall conduct a study and submit a report to Committees

1 on the Judiciary of the House of Representatives and of
2 the Senate, the Committee on Oversight and Reform of
3 the House of Representatives, and the Committee on
4 Homeland Security and Governmental Affairs of the Sen-
5 ate, on settlement or collaborative agreements entered into
6 pursuant to litigation arising out of allegations of police
7 misconduct, including the Cincinnati Collaborative Agree-
8 ment, which—

9 (1) assesses the effectiveness of such agree-
10 ments on improving community-police relations;

11 (2) assesses the impact of such agreements on
12 crime and disorder;

13 (3) determines whether similar agreements
14 could improve community-police relations in other
15 major metropolitan cities in the United States; and

16 (4) offers recommendations for further improve-
17 ments to such agreements.

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