

116TH CONGRESS
2D SESSION

S. 4000

To require Federal law enforcement and prison officials to obtain or provide immediate medical attention to individuals in custody who display medical distress.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2020

Ms. WARREN (for herself, Mrs. GILLIBRAND, Mr. MARKEY, Mr. BLUMENTHAL, Mr. SANDERS, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require Federal law enforcement and prison officials to obtain or provide immediate medical attention to individuals in custody who display medical distress.

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 “Andrew Kearsce Ac-
5 countability for Denial of Medical Care Act of 2020”.

1 **SEC. 2. MEDICAL ATTENTION FOR INDIVIDUALS IN FED-**
 2 **ERAL CUSTODY DISPLAYING MEDICAL DIS-**
 3 **TRESS.**

4 (a) IN GENERAL.—Chapter 13 of title 18, United
 5 States Code, is amended by adding at the end the fol-
 6 lowing:

7 **“§ 250. Medical attention for individuals in Federal**
 8 **custody displaying medical distress**

9 “(a) DEFINITIONS.—In this section—

10 “(1) the term ‘appropriate Inspector General’,
 11 with respect to a covered official, means—

12 “(A) the Inspector General of the Federal
 13 agency that employs the covered official; or

14 “(B) in the case of a covered official em-
 15 ployed by a Federal agency that does not have
 16 an Inspector General, the Inspector General of
 17 the Department of Justice;

18 “(2) the term ‘covered official’ means a Federal
 19 law enforcement officer (as defined in section 115)
 20 or an officer or employee of the Bureau of Prisons;
 21 and

22 “(3) the term ‘medical distress’ includes breath-
 23 ing difficulties.

24 “(b) REQUIREMENT.—

25 “(1) OFFENSE.—It shall be unlawful for a cov-
 26 ered official to negligently fail to obtain or provide

1 immediate medical attention to an individual in Fed-
2 eral custody who displays medical distress in the
3 presence of the covered official, if the individual suf-
4 fers unnecessary pain, injury, or death as a result of
5 that failure.

6 “(2) PENALTY.—A covered official who violates
7 paragraph (1) shall be fined under this title, impris-
8 oned for not more than 1 year, or both.

9 “(3) STATE CIVIL ENFORCEMENT.—Whenever
10 an attorney general of a State has reasonable cause
11 to believe that a resident of the State has been ag-
12 grieved by a violation of paragraph (1) by a covered
13 official, the attorney general, or another official,
14 agency, or entity designated by the State, may bring
15 a civil action in any appropriate district court of the
16 United States to obtain appropriate equitable and
17 declaratory relief.

18 “(c) INSPECTOR GENERAL INVESTIGATION.—

19 “(1) IN GENERAL.—The appropriate Inspector
20 General shall investigate any instance in which—

21 “(A) a covered official fails to obtain or
22 provide immediate medical attention to an indi-
23 vidual in Federal custody who displays medical
24 distress in the presence of the covered official;
25 and

1 “(B) the individual suffers unnecessary
2 pain, injury, or death as a result of the failure
3 to obtain or provide immediate medical atten-
4 tion.

5 “(2) REFERRAL FOR PROSECUTION.—If an In-
6 specter General, in conducting an investigation
7 under paragraph (1), concludes that the covered offi-
8 cial acted negligently in failing to obtain or provide
9 immediate medical attention to the individual in
10 Federal custody, the Inspector General shall refer
11 the case to the Attorney General for prosecution
12 under this section.

13 “(3) CONFIDENTIAL COMPLAINT PROCESS.—
14 The Inspector General of a Federal agency that em-
15 ploys covered officials shall establish a process under
16 which an individual may confidentially submit a
17 complaint to the Inspector General regarding an in-
18 cident described in paragraph (1) involving a covered
19 official employed by the Federal agency (or, in the
20 case of the Inspector General of the Department of
21 Justice, involving a covered official employed by a
22 Federal agency that does not have an Inspector Gen-
23 eral).

24 “(d) TRAINING.—The head of an agency that em-
25 ploys covered officials shall provide training to each such

1 covered official on obtaining or providing medical assist-
2 ance to individuals in medical distress.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—

4 The table of sections for chapter 13 of title 18, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

“250. Medical attention for individuals in Federal custody displaying medical
distress.”.

