

# Union Calendar No. 313

110TH CONGRESS  
2D SESSION

# H. R. 3971

[Report No. 110-512]

To encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 2007

Mr. SCOTT of Virginia (for himself and Mr. FORBES) introduced the following bill; which was referred to the Committee on the Judiciary

JANUARY 18, 2008

Additional sponsor: Ms. JACKSON-LEE of Texas

JANUARY 18, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on October 25, 2007]

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## A BILL

To encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Death in Custody Re-*  
3 *porting Act of 2007”.*

4 **SEC. 2. INFORMATION REGARDING INDIVIDUALS WHO DIE**  
5 **IN THE CUSTODY OF LAW ENFORCEMENT.**

6 (a) *IN GENERAL.*—*For each fiscal year after the expi-*  
7 *ration of the period specified in subsection (b)(1) in which*  
8 *a State receives funds for a program referred to in sub-*  
9 *section (b)(2), the State shall report to the Attorney Gen-*  
10 *eral, on a quarterly basis and pursuant to guidelines estab-*  
11 *lished by the Attorney General, information regarding the*  
12 *death of any person who is detained, under arrest, or is*  
13 *in the process of being arrested, is en route to be incarcer-*  
14 *ated, or is incarcerated at a municipal or county jail, State*  
15 *prison, State-run boot camp, boot camp that is contracted*  
16 *out by the State, any State or local contract facility, or*  
17 *other local or State correctional facility (including any ju-*  
18 *venile facility) that, at a minimum, includes—*

19 (1) *the name, gender, race, ethnicity, and age of*  
20 *the deceased;*

21 (2) *the date, time, and location of death;*

22 (3) *the law enforcement agency that detained,*  
23 *arrested, or was in the process of arresting the de-*  
24 *ceased; and*

25 (4) *a brief description of the circumstances sur-*  
26 *rounding the death.*

1       **(b) COMPLIANCE AND INELIGIBILITY.**—

2               **(1) COMPLIANCE DATE.**—*Each State shall have*  
3 *not more than 30 days from the date of enactment of*  
4 *this Act to comply with subsection (a), except that—*

5                       **(A)** *the Attorney General may grant an ad-*  
6 *ditional 30 days to a State that is making good*  
7 *faith efforts to comply with such subsection; and*

8                       **(B)** *the Attorney General shall waive the re-*  
9 *quirements of subsection (a) if compliance with*  
10 *such subsection by a State would be unconstitu-*  
11 *tional under the constitution of such State.*

12               **(2) INELIGIBILITY FOR FUNDS.**—*For any fiscal*  
13 *year after the expiration of the period specified in*  
14 *paragraph (1), a State that fails to comply with sub-*  
15 *section (a) shall not receive 10 percent of the funds*  
16 *that would otherwise be allocated for that fiscal year*  
17 *to the State under subpart 1 of part E of title I of*  
18 *the Omnibus Crime Control and Safe Streets Act of*  
19 *1968 (42 U.S.C. 3750 et seq.), whether characterized*  
20 *as the Edward Byrne Memorial State and Local Law*  
21 *Enforcement Assistance Programs, the Local Govern-*  
22 *ment Law Enforcement Block Grants Program, the*  
23 *Edward Byrne Memorial Justice Assistance Grant*  
24 *Program, or otherwise.*

1           (c) *REALLOCATION.*—Amounts not allocated under a  
2 program referred to in subsection (b)(2) to a State for fail-  
3 ure to fully comply with subsection (a) shall be reallocated  
4 under that program to States that have not failed to comply  
5 with such subsection.

6           (d) *DEFINITION.*—In this section, the term “State” has  
7 the same meaning given that term in section 901 of the  
8 Omnibus Crime Control and Safe Streets Act of 1968 (42  
9 U.S.C. 3791).

10 **SEC. 3. STUDY OF INFORMATION RELATING TO DEATHS IN**  
11 **CUSTODY.**

12           (a) *STUDY REQUIRED.*—The Attorney General shall,  
13 subject to the availability of appropriations under sub-  
14 section (d), through grant or contract, provide for a study  
15 of the information reported under section 2 (regarding the  
16 death of any person who is detained, under arrest, or is  
17 in the process of being arrested, is en route to be incarcer-  
18 ated, or is incarcerated at a municipal or county jail, State  
19 prison, State-run boot camp, boot camp that is contracted  
20 out by the State, any State or local contract facility, or  
21 other local or State correctional facility (including any ju-  
22 venile facility)) to—

23                   (1) *determine means by which such information*  
24                   *can be used to reduce the number of such deaths; and*

1           (2) *examine the relationship, if any, between the*  
2           *number of such deaths and the actions of management*  
3           *of such jails, prisons, and other correctional facilities*  
4           *relating to such deaths.*

5           (b) *REPORT.*—*Not later than 2 years after the date*  
6           *of the enactment of this Act, the Attorney General shall pre-*  
7           *pare and submit to Congress a report that contains the*  
8           *findings of the study required by subsection (a).*

9           (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
10          *authorized to be appropriated to carry out this section*  
11          *\$500,000 for fiscal year 2009. Funds appropriated under*  
12          *this subsection shall remain available until expended.*

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