

110TH CONGRESS
2^D SESSION

H. R. 3971

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2008

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Death in Custody Re-
3 porting Act of 2008”.

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 ex-
7 piration of the period specified in subsection (b)(1) in
8 which a State receives funds for a program referred to
9 in subsection (b)(2), the State shall report to the Attorney
10 General, on a quarterly basis and pursuant to guidelines
11 established by the Attorney General, information regard-
12 ing the death of any person who is detained, under arrest,
13 or is in the process of being arrested, is en route to be
14 incarcerated, or is incarcerated at a municipal or county
15 jail, State prison, State-run boot camp prison, boot camp
16 prison that is contracted out by the State, any State or
17 local contract facility, or other local or State correctional
18 facility (including any juvenile facility) that, at a min-
19 imum, includes—

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

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

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

1 (4) a brief description of the circumstances sur-
2 rounding the death.

3 (b) COMPLIANCE AND INELIGIBILITY.—

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

8 (A) the Attorney General may grant an ad-
9 ditional 30 days to a State that is making good
10 faith efforts to comply with such subsection;
11 and

12 (B) the Attorney General shall waive the
13 requirements of subsection (a) if compliance
14 with such subsection by a State would be un-
15 constitutional under the constitution of such
16 State.

17 (2) INELIGIBILITY FOR FUNDS.—For any fiscal
18 year after the expiration of the period specified in
19 paragraph (1), a State that fails to comply with sub-
20 section (a) shall not receive 10 percent of the funds
21 that would otherwise be allocated for that fiscal year
22 to the State under subpart 1 of part E of title I of
23 the Omnibus Crime Control and Safe Streets Act of
24 1968 (42 U.S.C. 3750 et seq.), whether character-
25 ized as the Edward Byrne Memorial State and Local

1 Law Enforcement Assistance Programs, the Local
2 Government Law Enforcement Block Grants Pro-
3 gram, the Edward Byrne Memorial Justice Assist-
4 ance Grant Program, or otherwise.

5 (c) REALLOCATION.—Amounts not allocated under a
6 program referred to in subsection (b)(2) to a State for
7 failure to fully comply with subsection (a) shall be reallo-
8 cated under that program to States that have not failed
9 to comply with such subsection.

10 (d) DEFINITIONS.—In this section the terms “boot
11 camp prison” and “State” have the meaning given those
12 terms, respectively, in section 901(a) of the Omnibus
13 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
14 3791(a)).

15 **SEC. 3. STUDY OF INFORMATION RELATING TO DEATHS IN**
16 **CUSTODY.**

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

