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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To provide that a Federal law enforcement officer may not use deadly force or less lethal force unless such force is necessary, to encourage States to adopt similar laws or policies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. KHANNA introduced the following bill; which was referred to the
Committee on _____

A BILL

To provide that a Federal law enforcement officer may not use deadly force or less lethal force unless such force is necessary, to encourage States to adopt similar laws or policies, 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 “Police Exercising Ab-
5 solute Care With Everyone Act of 2022” or the “PEACE
6 Act of 2022”.

1 **SEC. 2. USE OF FORCE BY FEDERAL LAW ENFORCEMENT**
2 **OFFICERS.**

3 (a) PROHIBITION ON LESS LETHAL FORCE.—

4 (1) IN GENERAL.—A Federal law enforcement
5 officer may not use any less lethal force unless such
6 force used is the least amount of force that is nec-
7 essary and proportional in order to prevent an immi-
8 nent threat of physical injury to the Federal law en-
9 forcement officer or another person, or that is nec-
10 essary and proportional to effectuate an arrest of a
11 person whom the officer has probable cause to be-
12 lieve has committed a criminal offense, and only
13 after available and reasonable alternatives to the use
14 of less lethal force have been exhausted.

15 (2) REQUIREMENT TO REDUCE AND CEASE THE
16 USE OF FORCE.—A Federal law enforcement officers
17 shall—

18 (A) immediately reduce any force used in
19 accordance with paragraph (1) as the threat di-
20 minishes; and

21 (B) cease the use of any such force as soon
22 as—

23 (i) the person on whom force is used
24 is under the Federal law endorsement offi-
25 cer's control or no longer poses a threat of
26 physical injury to another person; or

1 (ii) the Federal law enforcement offi-
2 cer determines that force will no longer ac-
3 complish, or is no longer necessary to ac-
4 complish, a legitimate law enforcement ob-
5 jective.

6 (b) PROHIBITION ON DEADLY USE OF FORCE.—

7 (1) A Federal law enforcement officer may not
8 use deadly force against a person unless—

9 (A) such force is necessary and propor-
10 tional as a last resort to prevent imminent and
11 serious bodily injury or death to the Federal
12 law enforcement officer or another person;

13 (B) the use of such force creates no sub-
14 stantial risk of injury to a third person; and

15 (C) the available and reasonable alter-
16 natives to the use of such force have been ex-
17 hausted.

18 (2) CLARIFICATION.—A Federal law enforce-
19 ment officer may not use deadly force against a per-
20 son who poses a danger only to himself or herself.

21 (c) REQUIREMENT TO GIVE VERBAL WARNING.—

22 When feasible, prior to using force against a person, a
23 Federal law enforcement officer shall identify himself or
24 herself as a Federal law enforcement officer, and issue a

1 verbal warning to the person that the Federal law enforce-
2 ment officer seeks to apprehend, which shall—

3 (1) include a request that the person surrender
4 to the law enforcement officer; and

5 (2) notify the person that the law enforcement
6 officer may use force against the person if the per-
7 son resists arrest or flees.

8 (d) GUIDANCE ON USE OF FORCE.—Not later than
9 120 days after the date of enactment of this Act, the At-
10 torney General, in consultation with impacted persons,
11 communities, and organizations, including representatives
12 of civil and human rights organizations, victims of police
13 use of force, and representatives of law enforcement asso-
14 ciations, shall provide guidance—

15 (1) to Federal law enforcement agencies on the
16 types of less lethal force and deadly force that are
17 prohibited under subsections (a) and (b);

18 (2) on how a Federal law enforcement officer
19 can assess whether the use of force is appropriate
20 and necessary; and

21 (3) which shall account for special consideration
22 when interacting with—

23 (A) pregnant individuals;

24 (B) children and youth under 21 years of
25 age;

1 (C) elderly persons;

2 (D) physically frail individuals;

3 (E) persons with mental, behavioral, or
4 physical disabilities or impairments;

5 (F) persons experiencing perceptual or cog-
6 nitive impairments due to use of alcohol, nar-
7 cotics, hallucinogens, or other drugs;

8 (G) persons suffering from a serious med-
9 ical condition; and

10 (H) persons with limited English pro-
11 ficiency.

12 (e) DEFINITIONS.—In this section:

13 (1) DEADLY FORCE.—The term “deadly force”
14 means force that creates a substantial risk of caus-
15 ing death or serious bodily injury, including—

16 (A) the discharge of a firearm;

17 (B) a maneuver that restricts blood or oxy-
18 gen flow to the brain, including chokeholds,
19 strangleholds, neck restraints, neck-holds, and
20 carotid artery restraints; and

21 (C) the use of a less-lethal weapon in a
22 manner that creates a substantial risk of death
23 or serious bodily injury, including repeated or
24 prolonged discharges of an electronic control

1 weapon, and firing a kinetic impact projectile
2 weapon at the subject's head.

3 (2) DEESCALATION TACTICS AND TECH-
4 NIKUES.—The term “deescalation tactics and tech-
5 niques” means proactive actions and approaches
6 used by a Federal law enforcement officer to sta-
7 bilize the situation, taking as much time as appro-
8 priate, without using physical force or the threat of
9 physical force, so that more options and resources
10 are available to gain a person's voluntary compliance
11 and reduce or eliminate the need to use force, in-
12 cluding verbal persuasion, warnings, tactical tech-
13 niques, slowing down the pace of an incident, wait-
14 ing out a subject, creating distance between the offi-
15 cer and the threat, and requesting additional re-
16 sources to resolve the incident.

17 (3) IMMINENT THREAT.—The term “imminent
18 threat” means that a person creating a risk has the
19 present ability, opportunity, and apparent intent to
20 immediately cause the harm that is threatened. Such
21 term does not include merely a fear of future harm
22 but is a risk that, based on the information available
23 at the time, must be immediately confronted and ad-
24 dressed.

1 (4) NECESSARY.—The term “necessary” means
2 that another reasonable Federal law enforcement of-
3 ficer would objectively conclude, under the totality of
4 the circumstances, that there was no reasonable, less
5 harmful alternative to the use of force.

6 (5) PROPORTIONAL.—The term “proportional”
7 means the potential harm likely to be caused
8 through the Federal law enforcement officer’s use of
9 force does not outweigh the benefit to be gained
10 through achieving the direct and legitimate law en-
11 forcement objective.

12 (6) REASONABLE ALTERNATIVES.—The term
13 “reasonable alternatives” means tactics and methods
14 used by a Federal law enforcement officer to effec-
15 tuate an arrest that do not unreasonably increase
16 the risk posed to the law enforcement officer or an-
17 other person, including verbal communication, dis-
18 tance, warnings, deescalation tactics and techniques,
19 tactical repositioning, and other tactics and tech-
20 niques intended to stabilize the situation and reduce
21 the immediacy of the risk so that more time, op-
22 tions, and resources can be called upon to resolve
23 the situation without the use of force.

24 (7) TOTALITY OF THE CIRCUMSTANCES.—The
25 term “totality of the circumstances” means all cred-

1 ible facts known to the Federal law enforcement offi-
2 cer leading up to and at the time of the use of force,
3 including the actions of the person against whom the
4 Federal law enforcement officer uses such force and
5 the actions of the Federal law enforcement officer.

6 (f) LIMITATION ON JUSTIFICATION DEFENSE.—

7 (1) IN GENERAL.—Chapter 51 of title 18,
8 United States Code, is amended by adding at the
9 end the following:

10 **“§ 1123. Limitation on justification defense for Fed-**
11 **eral law enforcement officers**

12 “(a) IN GENERAL.—It is not a defense to an offense
13 under section 1111 or 1112 that the use of less lethal
14 force or deadly force by a Federal law enforcement officer
15 was justified if—

16 “(1) that officer’s use of use of such force was
17 inconsistent with section 2 of the Police Exercising
18 Absolute Care With Everyone Act of 2022; or

19 “(2) that officer’s actions, leading up to and at
20 the time of the use of force, contributed to the ne-
21 cessity of the use of such force.

22 “(b) DEFINITIONS.—In this section, the term ‘Fed-
23 eral law enforcement officer’ has the meaning given such
24 term in section 115.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions for chapter 51 of title 18, United States Code,
3 is amended by inserting after the item relating to
4 section 1122 the following:

“1123. Limitation on justification defense for Federal law enforcement offi-
cers.”.

5 **SEC. 3. LIMITATION ON THE RECEIPT OF FUNDS UNDER**
6 **THE EDWARD BYRNE MEMORIAL JUSTICE AS-**
7 **SISTANCE GRANT PROGRAM.**

8 (a) LIMITATION.—A State or unit of local govern-
9 ment, other than an Indian Tribe, may not receive funds
10 that the State or unit of local government would otherwise
11 receive under subpart 1 of E of title I of the Omnibus
12 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
13 10151 et seq.) for any fiscal year in which the State or
14 unit of local government, other than an Indian Tribe, does
15 not have in effect a law that is consistent with section
16 2 of this Act and section 1123 of title 18, United States
17 Code, as determined by the Attorney General.

18 (b) SUBSEQUENT ENACTMENT.—If funds described
19 in subsection (a) are withheld from a State or unit of local
20 government pursuant to subsection (a) and the State or
21 unit of local government enacts or puts in place a law de-
22 scribed in subsection (a), and demonstrates substantial ef-
23 forts to enforce such law, the State or unit of local govern-
24 ment shall be eligible, in the fiscal year after the fiscal

1 year during which the State or unit of local government
2 demonstrates such substantial efforts, to receive the total
3 amount that the State or unit of local government would
4 have received during each fiscal year for which funds were
5 withheld not to exceed the total that such State or unit
6 of local government would have received for a 5 year pe-
7 riod.

8 (c) GUIDANCE.—Not later than 120 days after the
9 date of enactment of this Act, the Attorney General, in
10 consultation with impacted persons, communities, and or-
11 ganizations, including representatives of civil and human
12 rights organizations, individuals against whom a law en-
13 forcement officer used force, and representatives of law
14 enforcement associations, shall make guidance available to
15 States and units of local government on the criteria that
16 the Attorney General will use in determining whether the
17 State or unit of local government has in place a law de-
18 scribed in subsection (a).

19 (d) APPLICATION.—This section shall apply to the
20 first fiscal year that begins after the date that is 1 year
21 after the date of the enactment of this Act, and each fiscal
22 year thereafter.