

115TH CONGRESS  
1ST SESSION

# H. R. 2115

To encourage State, local and tribal jurisdictions to implement and enforce appropriate and time-sensitive procedures to notify the next-of-kin or designated person upon the death or life-threatening emergency of an individual who is in the custody of law enforcement.

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2017

Ms. BASS (for herself and Mr. RICHMOND) introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To encourage State, local and tribal jurisdictions to implement and enforce appropriate and time-sensitive procedures to notify the next-of-kin or designated person upon the death or life-threatening emergency of an individual who is in the custody of law enforcement.

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 “Family Notification  
5 of Death in Custody or Life-Threatening Emergency Act  
6 of 2017” or the “Wakiesha’s Law”.

1 **SEC. 2. PURPOSE.**

2 To encourage State, local and tribal jurisdictions to  
3 implement and enforce appropriate and time-sensitive pro-  
4 cedures to notify the next-of-kin or designated person  
5 upon the death or life-threatening emergency of an indi-  
6 vidual who is in the custody of law enforcement.

7 **SEC. 3. COMPLIANCE AND INELIGIBILITY.**

8 (a) COMPLIANCE.—

9 (1) FEDERAL LAW ENFORCEMENT AGENCIES.—

10 Each Federal law enforcement agency shall take  
11 such actions as may be necessary to ensure compli-  
12 ance with the requirements of sections 4 and 5.

13 (2) STATES AND LOCALITIES.—For purposes of  
14 this section, a State or unit of local government is  
15 a noncompliant jurisdiction if that State or unit of  
16 local government does not establish, implement, or  
17 enforce a law, policy, or procedure to ensure compli-  
18 ance with the requirements of sections 4 and 5.

19 (b) REDUCTION OF GRANT FUNDS.—For each fiscal  
20 year beginning after the date of enactment of this Act,  
21 a State shall be subject to a 10-percent reduction of the  
22 funds that would otherwise be allocated for the fiscal year  
23 to the State under subpart 1 of part E of title I of the  
24 Omnibus Crime Control and Safe Streets Act of 1968 (42  
25 U.S.C. 3750 et seq.), whether characterized as the Ed-  
26 ward Byrne Memorial State and Local Law Enforcement

1 Assistance Programs, the Local Government Law En-  
2 forcement Block Grants Program, the Edward Byrne Me-  
3 morial Justice Assistance Grant Program, or otherwise,  
4 if during the prior fiscal year—

5           (1) the State was a noncompliant jurisdiction;

6           or

7           (2) a unit of local government was a noncompli-  
8 ant jurisdiction.

9           (c) REALLOCATION OF FUNDS.—Amounts not allo-  
10 cated accordingly to a State for failure to fully comply  
11 with this Act shall be reallocated under that program to  
12 States that have complied with this Act.

13 **SEC. 4. INFORMATION REQUIRED UPON ARREST OR DE-**  
14 **TENTION.**

15           (a) IN GENERAL.—In the case of an individual taken  
16 into the custody of a law enforcement agency, the agency  
17 shall, at the time of taking custody, including during an  
18 arrest, during or prior to booking or intake screening as  
19 a new commitment, in transfer from another institution,  
20 as a court return, as a return from a writ, or as a hold-  
21 over, obtain basic identification information for the indi-  
22 vidual, including his or her name, date of birth, and last  
23 known address, as well as ensuring that the information  
24 is accurate and complete. The individual may not be

1 placed into any correctional institution prior to the acqui-  
2 sition and confirmation of such information.

3 (b) EMERGENCY NOTIFICATION INFORMATION.—The  
4 receiving institution or agency shall also obtain the name,  
5 relationship, and contact information, including mailing  
6 address and one or more phone numbers, of at least one  
7 person or next-of-kin to be notified in case of death or  
8 emergency. In all instances where counsel has entered ap-  
9 pearance on the record as a representative for the indi-  
10 vidual, the attorney listed shall by default be listed as the  
11 designated emergency contact. The attorney contact shall  
12 be provided in addition to the contact or contacts provided  
13 by the individual.

14 (c) NO USE IN PROCEEDINGS.—Under no cir-  
15 cumstances may any information obtained for the purpose  
16 of identifying a next-of-kin or designated emergency con-  
17 tact be used in any criminal, civil or investigative pro-  
18 ceeding against the individual.

19 **SEC. 5. NOTIFICATION BY LAW ENFORCEMENT OF FAMILY**  
20 **WITH REGARD TO DEATH OR LIFE-THREAT-**  
21 **ENING EMERGENCY OCCURRING TO INDI-**  
22 **VIDUAL IN CUSTODY.**

23 (a) DEATH NOTIFICATION MINIMUM STANDARDS.—  
24 In the case of an individual who dies while in the custody  
25 of a law enforcement agency:

1           (1) WRITTEN NOTIFICATION PLAN.—A law en-  
2           forcement agency shall have a written notification  
3           plan in place identifying all designated staff mem-  
4           bers who are authorized, trained and prepared to de-  
5           liver notification of death to the next-of-kin or des-  
6           ignated contact in a professional and compassionate  
7           manner.

8           (2) TIMEFRAME FOR NOTIFICATION.—In the  
9           event an individual dies while in the custody of law  
10          enforcement, such notification shall be delivered not  
11          later than 3 hours after the declaration of death.

12          (3) MANNER OF NOTIFICATION.—To minimize  
13          confusion and trauma suffered by the family or des-  
14          ignated contact of the deceased, reasonable efforts  
15          may be taken when practical to ensure that notifica-  
16          tion is provided in-person and in a private setting.

17          (4) INFORMATION REQUIRED.—Such notifica-  
18          tion shall include the official time of death, the  
19          cause of death (if determined) and all pertinent cir-  
20          cumstances surrounding the death, including wheth-  
21          er the individual's death is under investigation and  
22          the reason for opening an investigation.

23          (5) DOCUMENTATION OF ATTEMPTS.—All noti-  
24          fication attempts shall be documented and main-  
25          tained within the custodial record, including—

1 (A) the staff name and corresponding  
2 agency or department contact information for  
3 all those responsible for carrying out the notifi-  
4 cation;

5 (B) the date and time of successful and  
6 unsuccessful contacts;

7 (C) the names and contacts to which at-  
8 tempts were made, and any reason for failed or  
9 unsuccessful contact; and

10 (D) any incidents of unclaimed or rejected  
11 claims for the body or property of the deceased,  
12 including a detailed description of where any  
13 unclaimed bodies and property have been dis-  
14 posed of.

15 (b) AUTOPSY NOTIFICATIONS.—In the case of an in-  
16 dividual who dies while in the custody of a law enforce-  
17 ment agency, if an autopsy of that individual is required:

18 (1) NOTIFICATION.—The next-of-kin or des-  
19 ignated contacts shall be informed immediately upon  
20 any determination that an autopsy shall be per-  
21 formed, and such notification shall include the rea-  
22 son that the autopsy is being performed.

23 (2) RESULTS REPORTED.—A copy of the au-  
24 topsy report and results shall be made available to

1 the next-of-kin or designated contact immediately  
2 upon completion.

3 (3) INDEPENDENT AUTOPSY.—The State and  
4 the next of kin shall have the opportunity to perform  
5 a separate autopsy.

6 (c) LIFE-THREATENING EMERGENCY NOTIFICATION  
7 MINIMUM STANDARDS.—In the case of any life-threat-  
8 ening event occurring to an individual in the custody of  
9 a law enforcement agency:

10 (1) WRITTEN NOTIFICATION PLAN.—A law en-  
11 forcement agency shall have a written notification  
12 plan in place identifying all designated staff mem-  
13 bers who are authorized, trained and prepared to de-  
14 liver notification of a life-threatening event to the  
15 next-of-kin or designated contact in a professional  
16 and compassionate manner.

17 (2) TIMEFRAME FOR NOTIFICATION.—Notice to  
18 the designated emergency contact shall be made as  
19 soon as practicable after the life-threatening event  
20 occurs, and, where practicable without delaying  
21 treatment, prior to any required medical procedure,  
22 but in any event, not later than any medical dis-  
23 charge or clearance.

24 (3) MANNER OF NOTIFICATION.—To minimize  
25 confusion and trauma suffered by the family or des-

1       ignated contact of the individual who has suffered a  
2       life-threatening event, reasonable efforts may be  
3       taken when practical to ensure that notification is  
4       made in-person and in a private setting.

5           (4) INFORMATION REQUIRED.—Such notifica-  
6       tion shall include details of the life-threatening  
7       event, including—

8           (A) whether the individual is incapacitated,  
9       unconscious, or unable to speak;

10          (B) the cause and nature of the life-threat-  
11       ening event;

12          (C) whether any medical procedures or life-  
13       saving measures were performed in response to  
14       the life-threatening event; and

15          (D) whether any medical followup is rec-  
16       ommended and the nature of the recommended  
17       followup.

18           (5) DOCUMENTATION OF ATTEMPTS.—All noti-  
19       fication attempts shall be documented and main-  
20       tained within the custodial record, including—

21          (A) the staff name and corresponding  
22       agency or department contact information for  
23       all those responsible for carrying out the notifi-  
24       cation;



1 (B) the date and time of successful and  
2 unsuccessful contacts; and

3 (C) the names and contacts to which at-  
4 tempts were made, and any reason for failed or  
5 unsuccessful contact.

6 **SEC. 6. REPORT TO ATTORNEY GENERAL.**

7 Section 2(b) of the Death in Custody Reporting Act  
8 of 2013 (42 U.S.C. 13727(b)) is amended—

9 (1) in paragraph (3), by striking “and” at the  
10 end;

11 (2) in paragraph (4), by striking the period at  
12 the end and inserting a semicolon; and

13 (3) by inserting after paragraph (4) the fol-  
14 lowing:

15 “(5) the date and time notification of death was  
16 provided to the next of kin or designated contact;

17 “(6) the date and time of each unsuccessful no-  
18 tification attempt was made; and

19 “(7) a detailed description of where any un-  
20 claimed bodies and property have been disposed of,  
21 including the amount of time lapsed prior to taking  
22 such action.”.

23 **SEC. 7. DEFINITIONS.**

24 In this Act:

1           (1) IN CUSTODY OF A LAW ENFORCEMENT  
2 AGENCY.—The term “in the custody of a law en-  
3 forcement agency” means, with regard to an indi-  
4 vidual, that the individual is detained, under arrest,  
5 or is in the process of being arrested, is en route to  
6 be incarcerated, or is incarcerated at a municipal or  
7 county jail, State prison, State-run boot camp pris-  
8 on, boot camp prison that is contracted out by the  
9 State, any State or local contract facility, or other  
10 local, tribal or State correctional facility, including a  
11 juvenile facility or a medical or mental health facil-  
12 ity.

13           (2) CUSTODIAL RECORD.—The term “custodial  
14 record” means the central file of an individual in  
15 custody.

16           (3) JUVENILE FACILITY.—The term “juvenile  
17 facility” includes juvenile or youth detention center,  
18 placement facility, group home or other State, pri-  
19 vate or contracted unit maintaining the custody of  
20 a youth under court order or law enforcement ac-  
21 tion.

22           (4) LIFE-THREATENING.—The term “life-  
23 threatening event” means a medical event, episode,  
24 condition, or accident—

1           (A) where, without immediate treatment  
2 for the condition, death is eminent;

3           (B) where hospitalization is required be-  
4 cause of a serious, life-threatening medical or  
5 surgical condition that requires immediate  
6 treatment; or

7           (C) where an individual is unconscious or  
8 incapacitated such that they are incapable of  
9 providing consent for medical treatment.

○