

114TH CONGRESS  
2D SESSION

# H. R. 5258

To require State and local law enforcement agencies to report arrests for offenses that involve driving under the influence to the National Crime Information Center as a condition of receiving the full amount that the State would otherwise receive under the Edward Byrne Memorial Justice Assistance Grant Program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2016

Mr. COHEN (for himself, Mr. CHABOT, and Mr. NADLER) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To require State and local law enforcement agencies to report arrests for offenses that involve driving under the influence to the National Crime Information Center as a condition of receiving the full amount that the State would otherwise receive under the Edward Byrne Memorial Justice Assistance Grant Program, 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 “DUI Reporting Act  
5 of 2016”.

1 **SEC. 2. REQUIRING STATE AND LOCAL LAW ENFORCEMENT**  
2 **AGENCIES TO REPORT ARRESTS FOR OF-**  
3 **FENSES INVOLVING DRIVING UNDER THE IN-**  
4 **FLUENCE TO THE NATIONAL CRIME INFOR-**  
5 **MATION CENTER AS A CONDITION OF RE-**  
6 **CEIVING FUNDS UNDER THE EDWARD BYRNE**  
7 **MEMORIAL JUSTICE ASSISTANCE GRANT**  
8 **PROGRAM.**

9 (a) IN GENERAL.—For any fiscal year, a State, and  
10 any unit of local government in that State, may not receive  
11 20 percent of the amount that would otherwise be allo-  
12 cated to that State or unit of local government under the  
13 program under subpart 1 of part E of title I of the Omni-  
14 bus Crime Control and Safe Streets Act of 1968 (42  
15 U.S.C. 3750 et seq.), unless the State has in effect a law  
16 or policy that ensures all State and local law enforcement  
17 agencies are appropriately reporting arrests for offenses  
18 involving driving under the influence to the National  
19 Crime Information Center in accordance with such law or  
20 policy, and any rules made by the Attorney General pursu-  
21 ant to subsection (e).

22 (b) NOTICE.—Not later than 60 days prior to the  
23 first day of a fiscal year, the Attorney General shall pro-  
24 vide notice to the chief executive of a State that does not  
25 have in effect a law or policy described in subsection (a)  
26 that the amount that would otherwise be allocated to that

1 State, and to any unit of local government in that State,  
2 under the program described in that subsection will be  
3 withheld and reduced in accordance with subsection (c).

4 (c) WITHHOLDING AND REDUCTION OF FUNDS.—

5 The amount that would otherwise be allocated to a State,  
6 and any unit of local government in the State, shall be  
7 deposited in an escrow account in the Treasury (which  
8 shall not accrue interest) for a period of 90 days beginning  
9 on the first day of the fiscal year if the State does not  
10 have in place a law or policy described in subsection (a).  
11 If the State implements such a law or policy prior to the  
12 conclusion of such 90-day period, that amount shall be  
13 made available for allocation to the State and units of local  
14 government in the State. If the State does not implement  
15 such a law or policy prior to the conclusion of such 90-  
16 day period, 80 percent of such amount shall be made avail-  
17 able for allocation to the State and units of local govern-  
18 ment in the State.

19 (d) AMOUNTS NOT ALLOCATED.—After the conclu-  
20 sion of the 90-day period described in subsection (c),  
21 amounts not allocated to a State or a unit of local govern-  
22 ment under the program described in subsection (a) for  
23 the failure of the State to have in effect a law or policy  
24 described in subsection (a) shall be deposited in the gen-  
25 eral fund of the Treasury.

1       (e) RULES.—Not later than 120 days after the date  
2 of the enactment of this Act, the Attorney General shall  
3 make rules to implement this section.

4       (f) DEFINITIONS.—In this section, terms used have  
5 the meanings given those terms in section 901 of title I  
6 of the Omnibus Crime Control and Safe Streets Act of  
7 1968 (42 U.S.C. 3791).

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