

116TH CONGRESS
2D SESSION

H. R. 8823

To prohibit the use of nonlethal rounds by Federal law enforcement officers in certain contexts, and to discourage the use of such munitions by State and local law enforcement officers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 27, 2020

Mr. BRENDAN F. BOYLE of Pennsylvania (for himself, Mr. RASKIN, Mrs. HAYES, Ms. VELÁZQUEZ, and Ms. OMAR) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit the use of nonlethal rounds by Federal law enforcement officers in certain contexts, and to discourage the use of such munitions by State and local law enforcement officers, 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 “Banning Rubber Bul-
5 lets Act of 2020”.

6 **SEC. 2. IN GENERAL.**

7 (a) PROHIBITION ON USE BY FEDERAL OFFICERS.—

8 A Federal law enforcement officer may not use a nonlethal

1 round in any crowd control situation, or in response to
2 passive resistance by a person to any order given by that
3 officer. On each occasion that a Federal law enforcement
4 officer uses a nonlethal round, the agency employing such
5 officer shall submit notice to the Attorney General and
6 to the Congressional committee with jurisdiction over that
7 agency. In any case where a law enforcement officer uses
8 a nonlethal round in violation of this subsection, any per-
9 son injured by such use may bring a civil action for appro-
10 priate relief.

11 (b) DISCOURAGING USE BY STATE AND LOCAL OFFI-
12 CERS.—

13 (1) LIMITING USE OF NONLETHAL ROUNDS RE-
14 QUIREMENT.—For each fiscal year after the expira-
15 tion of the period specified in paragraph (2) in
16 which a State or unit of local government receives
17 a grant under part E of title I of the Omnibus
18 Crime Control and Safe Streets Act of 1968 (34
19 U.S.C. 3750 et seq.) or part Q of such title, the
20 State or unit of local government shall conform its
21 laws with the following:

22 (A) A law enforcement officer of that State
23 or unit of local government may not use a non-
24 lethal round in a crowd control situation, or in

1 response to passive resistance by a person to
2 any order given by that officer.

3 (B) On any occasion a law enforcement of-
4 ficer of that State or unit of local government
5 uses a nonlethal round, that State or unit of
6 local government shall submit a report to the
7 Attorney General.

8 (C) In any case where a law enforcement
9 officer uses a nonlethal round in violation of
10 subparagraph (A), any person injured by such
11 use may bring a civil action for appropriate re-
12 lief against the agency employing the law en-
13 forcement officer.

14 (2) COMPLIANCE AND INELIGIBILITY.—

15 (A) COMPLIANCE DATE.—Beginning on
16 the first full fiscal year after the date of enact-
17 ment of this Act, each State or unit of local
18 government referred to in paragraph (1) receiv-
19 ing a grant shall comply with paragraph (1),
20 except that the Attorney General may grant an
21 additional 180 days to a State or unit of local
22 government that is making good faith efforts to
23 comply with such paragraph.

24 (B) INELIGIBILITY FOR FUNDS.—For any
25 fiscal year after the expiration of the period

1 specified in subparagraph (A), a State or unit
2 of local government that fails to comply with
3 paragraph (1), shall, at the discretion of the At-
4 torney General, be subject to a reduction of not
5 more than 15 percent of the funds that would
6 otherwise be allocated for that fiscal year to the
7 State or unit of local government under—

8 (i) subpart 1 of part E of title I of the
9 Omnibus Crime Control and Safe Streets
10 Act of 1968 (34 U.S.C. 10151 et seq.),
11 whether characterized as the Edward
12 Byrne Memorial State and Local Law En-
13 forcement Assistance Programs, the Local
14 Government Law Enforcement Block
15 Grants Program, the Edward Byrne Me-
16 morial Justice Assistance Grant Program,
17 or otherwise; and

18 (ii) part Q of such title (34 U.S.C.
19 10381 et seq.).

20 (3) REALLOCATION.—Amounts not allocated
21 under a program referred to in paragraph (2)(B)(i)
22 to a State for failure to fully comply with paragraph
23 (1) shall be reallocated under that program to States
24 that have not failed to comply with such paragraph.

1 (c) INVESTIGATION.—The Attorney General shall in-
2 vestigate and publish a report on the results of such inves-
3 tigation in the case of any use of nonlethal rounds by a
4 Federal, State, or local law enforcement officer.

5 (d) DEFINITIONS.—

6 (1) IN GENERAL.—Terms used in this Act have
7 the meanings given such terms in section 901 of title
8 I of the Omnibus Crime Control and Safe Streets
9 Act of 1968.

10 (2) FEDERAL LAW ENFORCEMENT OFFICER.—
11 The term “Federal law enforcement officer”
12 means—

13 (A) an employee or officer in a position in
14 the executive, legislative, or judicial branch of
15 the Federal Government who is authorized by
16 law to engage in or supervise a law enforcement
17 function; or

18 (B) an employee or officer of a contractor
19 or subcontractor (at any tier) of an agency in
20 the executive, legislative, or judicial branch of
21 the Federal Government who is authorized by
22 law or under the contract with the agency to
23 engage in or supervise a law enforcement func-
24 tion.

1 (3) NONLETHAL ROUND.—The term “nonlethal
2 round” means a projectile fired from a gun, gun-
3 like, or other apparatus used with the intension to
4 apply nonlethal force, or for an intension other than
5 killing the intended or unintended target, and in-
6 cludes—

7 (A) rubber bullets;

8 (B) plastic bullets;

9 (C) bullets with metal core or metal exter-
10 nal shell;

11 (D) bullets made with hardened foam;

12 (E) beanbag bullets; and

13 (F) sponge bullets.

14 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion may be construed as permitting or encouraging law
16 enforcement to use any other type of bullet in crowd con-
17 trol situations.

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