

116TH CONGRESS
2D SESSION

H. R. 9045

To prohibit searches based on race, ethnicity, national origin, religion, or sex, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 21, 2020

Mr. KENNEDY (for himself and Mr. JEFFRIES) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To prohibit searches based on race, ethnicity, national origin, religion, or sex, 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 “Citizen Justice Res-
5 toration Act of 2020”.

6 **SEC. 2. PRETEXTUAL ACTION UNDER COLOR OF LAW.**

7 (a) IN GENERAL.—A person, acting under color of
8 State or Federal law, may not base, to any degree, a deci-
9 sion to search, seize, or scrutinize an individual on actual
10 or perceived race, ethnicity, national origin, religion, or sex

1 (including gender, gender identity, and sexual orienta-
2 tion).

3 (b) INADMISSIBILITY OF EVIDENCE.—Except as pro-
4 vided in subsection (c), evidence obtained as a result of
5 such a search or seizure in violation of subsection (a) shall
6 not be admissible to be offered as evidence against a de-
7 fendant—

8 (1) in any Federal or State criminal proceeding,
9 including a proceeding for revocation of parole and
10 probation; or

11 (2) in any civil enforcement proceeding brought
12 by the United States, any State, or any agency or
13 political subdivision thereof.

14 (c) EXCEPTION.—Subsection (a) does not apply in
15 the case of a search or seizure that was motivated by rea-
16 sonable suspicion based on specific and articulable facts
17 that include trustworthy distinguishing information, rel-
18 evant to the locality and timeframe, about an individual
19 who committed an identified crime, which information in-
20 cludes a particular characteristic described in subsection
21 (a), if that distinguishing information is sufficiently spe-
22 cific that it does not describe a substantial subset of indi-
23 viduals sharing that characteristic, or of individuals of the
24 relevant age sharing that characteristic.

1 **SEC. 3. APPLICABILITY OF THE CONSTITUTION, LAWS, AND**
2 **TREATIES OF THE UNITED STATES ON COL-**
3 **LATERAL REVIEW.**

4 (a) GRANT OF HABEAS CORPUS WHEN JUDGMENT
5 IN ERROR.—Notwithstanding any other provision of law,
6 an application for a writ of habeas corpus on behalf of
7 a person in custody pursuant to the judgment of a State
8 court shall be granted with respect to any Federal claim
9 that was adjudicated on the merits in State court pro-
10 ceedings, which adjudication was in error.

11 (b) NEW CONSTITUTIONAL RULES.—Notwith-
12 standing any other provision of law, in the case of a new
13 rule of constitutional law announced by the United States
14 Supreme Court, the United States Court of Appeals, or
15 the United States District Court—

16 (1) such rule shall be retroactive to cases on
17 collateral review;

18 (2) an application for a writ of habeas corpus
19 raising a claim under such rule may be made at any
20 time; and

21 (3) a second or successive application for a writ
22 of habeas corpus may be made seeking the benefit
23 of such rule regardless of whether the same claim
24 was presented in a prior application made prior to
25 the announcement of the new rule.

1 **SEC. 4. RULES OF CONSTRUCTION.**

2 (a) **LAWS AGAINST DISCRIMINATION.**—An ambiguity
3 in a statute that provides protection against discrimina-
4 tion on the basis of race, color, ethnicity, national origin,
5 religion, disability, or sex (including gender, gender iden-
6 tity, and sexual orientation) shall be construed in the man-
7 ner that will provide the greatest protection against such
8 discrimination. For purposes of this subsection, the Reli-
9 gious Freedom Restoration Act of 1993 (42 U.S.C.
10 2000bb–1) is not a statute that provides protection
11 against discrimination on the basis of religion.

12 (b) **OTHER LAWS.**—An ambiguity in a statute de-
13 signed to provide protection for freedom of speech or of
14 the press, or for individual informational privacy, or for
15 the environment, or for consumers, shall be construed in
16 the manner that will provide the greatest protection for
17 freedom of speech or of the press, or for individual infor-
18 mational privacy, for the environment, or for consumers,
19 respectively.

20 (c) **CONSTITUTIONAL AVOIDANCE.**—No statute de-
21 scribed in this section shall be construed so as to avoid
22 a constitutional question if that construction differs from
23 the construction required under this section.

24 (d) **LIBERAL CONSTRUCTION.**—Nothing in this sec-
25 tion may be construed to prevent the liberal construction

1 of any statute not specified in this section, in order to
2 serve its remedial purpose.

3 **SEC. 5. PRIVATE RIGHTS OF ACTION.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, an individual may bring an action in the ap-
6 propriate district court of the United States seeking dam-
7 ages and injunctive relief for a violation of a Federal law
8 or regulation if the individual—

9 (1) is within a class of individuals that the law
10 or regulation was intended to or does benefit; and

11 (2) was harmed by the violation of the law or
12 regulation,

13 regardless of whether the law or regulation provides such
14 a private right of action, or provides other enforcement
15 mechanisms.

16 (b) EXCEPTION.—Subsection (a) does not apply in
17 the case of a Federal law or regulation that explicitly pre-
18 cludes a private right of action.

19 **SEC. 6. BOUNTY FOR CITIZEN SUITS.**

20 (a) IN GENERAL.—In any civil action brought under
21 any citizen suit provision under a Federal law, in which
22 the plaintiff prevails in whole or in part, the court shall
23 award the plaintiff a bounty of \$100 to be paid by the
24 defendant against whom the plaintiff prevailed.

1 (b) **MULTIPLE PLAINTIFFS.**—In the case of a civil
2 action described in subsection (a) in which there are mul-
3 tiple plaintiffs, the court shall divide the award under sub-
4 section (a) equally among the plaintiffs.

5 (c) **JOINT AND SEVERAL LIABILITY.**—In the case of
6 a civil action described in subsection (a) in which there
7 are multiple defendants, such defendants are jointly and
8 severally liable for the award described in subsection (a).

9 **SEC. 7. SEVERABILITY.**

10 If any provision of this Act, or the application thereof
11 to any person or circumstance, is held invalid, the remain-
12 der of the Act, and the application of such provision to
13 other persons or circumstances shall not be affected there-
14 by.

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