

116TH CONGRESS
2D SESSION

S. 4114

To prohibit Federal law enforcement officers from using riot control agents and kinetic impact projectiles, and to incentivize States and local governments to prohibit State and local law enforcement officers from using riot control agents and kinetic impact projectiles.

IN THE SENATE OF THE UNITED STATES

JUNE 30, 2020

Mr. SANDERS (for Mr. MARKEY (for himself and Mr. SANDERS)) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit Federal law enforcement officers from using riot control agents and kinetic impact projectiles, and to incentivize States and local governments to prohibit State and local law enforcement officers from using riot control agents and kinetic impact projectiles.

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 “No Tear Gas or Projec-
5 tiles Act”.

1 **SEC. 2. PROHIBITING USE OF RIOT CONTROL AGENTS AND**
2 **KINETIC IMPACT PROJECTILES BY LAW EN-**
3 **FORCEMENT OFFICERS.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term “kinetic impact projectile” means
6 a rubber or plastic bullet, bean bag round, sponge
7 round, pellet round, wooden dowel, or other projec-
8 tile-delivered impact munition;

9 (2) the term “Federal law enforcement officer”
10 has the meaning given the term in section 115 of
11 title 18, United States Code; and

12 (3) the term “riot control agent” has the mean-
13 ing given the term in the Convention on the Prohibi-
14 tion of the Development, Production, Stockpiling
15 and Use of Chemical Weapons and on their Destruc-
16 tion, done at Geneva September 3, 1992, and en-
17 tered into force April 29, 1997 (commonly referred
18 to as the “Chemical Weapons Convention”).

19 (b) PROHIBITION ON USE BY FEDERAL LAW EN-
20 FORCEMENT OFFICERS.—

21 (1) PROHIBITION.—A Federal law enforcement
22 officer may not use a riot control agent or kinetic
23 impact projectile for any purpose while on duty.

24 (2) CIVIL PENALTY.—

25 (A) IN GENERAL.—A Federal law enforce-
26 ment officer who violates paragraph (1) shall be

1 liable to the United States for a civil penalty in
2 an amount not to exceed \$10,000 for each vio-
3 lation.

4 (B) DETERMINATION.—In determining
5 whether to impose a civil penalty under sub-
6 paragraph (A) and the amount of the civil pen-
7 alty, a court shall take into account—

8 (i) the nature, circumstances, and ex-
9 tent of the violation; and

10 (ii) such other matters as justice may
11 require.

12 (3) CIVIL ACTION.—Any person aggrieved by a
13 violation of paragraph (1) by a Federal law enforce-
14 ment officer may bring a civil action against the
15 Federal law enforcement officer in any appropriate
16 district court of the United States to obtain such re-
17 lief as may be appropriate.

18 (c) INCENTIVIZING BANNING USE BY STATE AND
19 LOCAL LAW ENFORCEMENT OFFICERS.—Beginning in
20 the first fiscal year beginning after the date of enactment
21 of this Act, a State or unit of local government may not
22 receive funds under the Edward Byrne Memorial Justice
23 Assistance Grant Program under subpart 1 of part E of
24 title I of the Omnibus Crime Control and Safe Streets Act
25 of 1968 (34 U.S.C. 10151 et seq.) or the “Cops on the

1 Beat” program under part Q of title I of the Omnibus
2 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
3 10381 et seq.) for a fiscal year if, on the day before the
4 first day of the fiscal year, the State or unit of local gov-
5 ernment does not have in effect a law that, with respect
6 to law enforcement officers in the State or unit of local
7 government, respectively—

8 (1) prohibits a law enforcement officer from
9 using a riot control agent or kinetic impact projectile
10 for any purpose while on duty; and

11 (2) imposes on a law enforcement officer who
12 violates the law civil penalties and civil liability
13 equivalent to the criminal penalties and civil liability
14 imposed on Federal law enforcement officers under
15 subsection (b) of this section.

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