

Justice in Policing Act and the JUSTICE Act Major Provisions Side-by-Side

	Justice in Policing Act (H.R. 7120)	JUSTICE Act (S. 3985)
Section 242	<ul style="list-style-type: none"> ○ Allows prosecution of police violations committed “knowingly or recklessly,” not only “willfully” 	<ul style="list-style-type: none"> ○ No comparable provision
Qualified Immunity	<ul style="list-style-type: none"> ○ Overrules judicial doctrine of “qualified immunity,” which blocks civil suits against police unless the conduct can be shown at the outset to have violated a “clearly established” right 	<ul style="list-style-type: none"> ○ No comparable provision
Pattern and Practice Investigations	<ul style="list-style-type: none"> ○ Grants Justice Department and state attorneys general subpoena authority in civil rights probes; ○ Provides grants to state attorneys general to develop units to conduct pattern and practice investigations 	<ul style="list-style-type: none"> ○ No comparable provision
Independent Investigations	<ul style="list-style-type: none"> ○ Authorizes Justice Department to develop a grant program for state attorneys general to create an independent investigation process for law enforcement misconduct or excessive use of force 	<ul style="list-style-type: none"> ○ No comparable provision
Chokeholds	<ul style="list-style-type: none"> ○ Requires state and local governments to ban chokeholds, carotid holds, and other means that restrict breathing or oxygen flow to the brain as part of Byrne and COPS grant eligibility ○ Makes use of such holds based on subject’s race, color, or immigration status a criminal violation of their civil rights 	<ul style="list-style-type: none"> ○ Requires state and local governments to ban chokeholds as part of Byrne and COPS grant eligibility, unless deadly force is authorized
No-knock warrants	<ul style="list-style-type: none"> ○ Requires federal officers to announce their presence and purpose before serving drug-related search warrants ○ Requires state and local governments to prohibit no-knock drug warrants for COPS grant eligibility 	<ul style="list-style-type: none"> ○ State and local governments receiving Byrne grants would report annually on use of no-knock warrants; DOJ to compile and publish reports ○ States that do not comply for multiple years would be subject to grant reductions
Anti-Lynching	<ul style="list-style-type: none"> ○ Established a federal crime to conspire to violate existing hate crimes laws 	<ul style="list-style-type: none"> ○ Creates a new conspiracy tool for DOJ to use in the prosecution of such cases

Use-of-force standards	<ul style="list-style-type: none"> ○ Bars federal officers from using deadly force except as last resort to prevent imminent and serious injury or death; proportional “less lethal force” could be used only when necessary to make an arrest after exhausting reasonable alternatives ○ States would be ineligible for Byrne grants unless they adopt similar standards 	<ul style="list-style-type: none"> ○ No comparable provision
Use-of-force reporting	<ul style="list-style-type: none"> ○ Requires states receiving Byrne JAG funding to report quarterly to DOJ information on the following (among other items): use of deadly force, shootings targeting officers, deaths in custody 	<ul style="list-style-type: none"> ○ State and local governments would report annually to DOJ on use of deadly force, shootings targeting officers, officer deaths ○ Noncompliance would result in Byrne JAG reductions
Misconduct Records	<ul style="list-style-type: none"> ○ Requires DOJ to create a public, searchable National Police Misconduct Registry with: all complaints against officers; whether case involved use of force or racial profiling; discipline, termination, and certification records; and information on related lawsuits and settlements ○ Reports would be due twice a year or a jurisdiction would be ineligible for Byrne grants 	<ul style="list-style-type: none"> ○ Requires state and local law enforcement agencies to maintain substantiated and adjudicated disciplinary records, as well as awards and commendations, for at least 30 years; records would not be publicly available ○ Noncompliance would make jurisdictions ineligible for Byrne and COPS grants
Body cameras	<ul style="list-style-type: none"> ○ Requires federal law enforcement officers to wear body cameras and activate them during service call response or stop, with some exceptions ○ Requires state and local law enforcement to use a portion of existing federal funds to ensure the use of police body cameras 	<ul style="list-style-type: none"> ○ Provides \$100 million per year through FY25 for DOJ grants to states, localities and tribes to purchase, deploy, and support use of body cameras ○ Recipients would have to adopt policies to: activate cameras during any arrest; discipline noncompliant officers; provide training; set clear standards for privacy, data retention, and use of footage as evidence; and release footage under freedom of information laws ○ Imposes 20% penalty on Byrne JAG for failure to adopt policy
Training	<ul style="list-style-type: none"> ○ Requires federal officers to complete training on the duty to intervene and on profiling, bias, and procedural justice ○ State and local governments would have to adopt similar training requirements for Byrne grant eligibility 	<ul style="list-style-type: none"> ○ DOJ would develop training on intervention, de-escalation, and alternatives to use of force and provide state training grants
Duty to intervene	<ul style="list-style-type: none"> ○ Requires DOJ to establish a duty for federal law enforcement officers to intervene if another officer is using excessive force 	<ul style="list-style-type: none"> ○ No comparable provision

Racial Profiling	<ul style="list-style-type: none"> ○ Requires DOJ to collect data addressing issues of racial profiling ○ Prohibits federal, state, and local law enforcement from racial, religious and discriminatory profiling and creates a cause of action for declaratory or injunctive relief ○ Mandates training on racial, religious and discriminatory profiling ○ Requires law enforcement agencies to collect and report data on all investigatory activities ○ Conditions federal funding on adopting anti-profiling policies and best practices ○ Establishes a training program on racial and implicit bias and procedural justice 	<ul style="list-style-type: none"> ○ No comparable provision
Police Report Falsification	<ul style="list-style-type: none"> ○ No comparable provision 	<ul style="list-style-type: none"> ○ Adds a new criminal penalty for falsifying reports filed in connection with a civil rights violation that results in serious bodily injury or death
Law Enforcement Accreditation	<ul style="list-style-type: none"> ○ Requires DOJ to create law enforcement accreditation standard recommendations ○ Requires states to use not less than 5% of Byrne JAG to assist agencies in gaining or maintaining accreditation 	<ul style="list-style-type: none"> ○ No comparable provision
Certification Requirements for Hiring	<ul style="list-style-type: none"> ○ Mandates that law enforcement agencies ensure that all officers hired are certified within the state 	<ul style="list-style-type: none"> ○ No comparable provision
Byrne JAG and COPS Reauthorization	<ul style="list-style-type: none"> ○ No comparable provision 	<ul style="list-style-type: none"> ○ Reauthorizes the Byrne JAG program at \$800 million annually ○ Reauthorizes the COPS Hiring program at \$400 million annually
Grant Accountability	<ul style="list-style-type: none"> ○ No comparable provision 	<ul style="list-style-type: none"> ○ Requires states to achieve DOJ established benchmarks or be required to return Byrne JAG and COPS Hiring funds and be ineligible to apply for one year
Commission on the Status of Black Men and Boys	<ul style="list-style-type: none"> ○ No comparable provision 	<ul style="list-style-type: none"> ○ Establishes a commission to conduct a systematic study of the conditions affecting Black men and boys, and includes topics for study
National Criminal Justice Commission	<ul style="list-style-type: none"> ○ No comparable provision 	<ul style="list-style-type: none"> ○ Establishes commission to conduct a comprehensive review of the criminal justice system; make recommendations for criminal justice reform

Police reports	<ul style="list-style-type: none"> ○ No comparable provision 	<ul style="list-style-type: none"> ○ Would make it illegal to knowingly and willfully falsify a police incident report involving serious injury or death, with punishment including fines and as long as 20 years in prison
1033 Program	<ul style="list-style-type: none"> ○ Limits the transfer of certain military-grade equipment (including MRAPs) to state and local law enforcement through the DOD 1033 Program 	<ul style="list-style-type: none"> ○ No comparable provision
Closing the Consent Loophole	<ul style="list-style-type: none"> ○ No comparable provision 	<ul style="list-style-type: none"> ○ Makes it unlawful for a federal law enforcement officer to engage in a sexual act while acting under color of law