

Learning about Legislation #56 - Comparing House & Senate Police Reform Bills

Last week, MoCTrack brought you some information about [H.R. 7201, the Justice in Policing Act](#). This is the House bill that is designed to address police brutality and law enforcement reform. This is a bill that was introduced by members of the Congressional Black Caucus and has the backing of the Democrats in the House. And just this week [it passed through the Judiciary Committee](#), and is expected to get to the House floor for a vote in the next week.

This past Wednesday, the Senate Republicans introduced their own policing reform bill, the Justice Act (Just and Unifying Solutions to Invigorate Communities Everywhere). This bill is so new that the clerk's office has not provided it an identifying number, but Sen. Scott has made the [full text](#) and a [section by section analysis](#) available.

Let's take a look at several key issues, side by side.

Proposal	House	Senate
Chokeholds	BANS	RESTRICTS
Racial Profiling	BANS	TRAINING
Police Misconduct	National Registry	Data Collection
No-Knock Warrants	BANS	RESTRICTS
Use of Force	Standardizes	Data Collection
Establishes Lynching as a Hate Crime	✓	✓
Incentivizes Usage of Body Cameras	✓	✓
Create a Law Enforcement National Accreditation Program	✓	✗
Modifies Qualified Immunity Rules to allow Victims of Police Brutality to Seek Damages	✓	✗
Ends Distribution of Military Equipment to Law Enforcement	✓	✗
Punishes Falsified Police Reports	✗	✓
Criminalizes Sexual Contact between Law Enforcement and Prisoners	✗	✓

For those first five categories, it is key to note that the wording in the House bill is significantly stronger than that which is in the senate bill. For example, the House bill has an outright ban on “the application of any pressure to the throat or windpipe, use of maneuvers that restrict blood or oxygen flow to the brain, or carotid artery restraints which prevent or hinder breathing or reduce intake of air is a punishment, pain or penalty.” The working in the Senate bill is that “The attorney general shall develop a policy for federal law enforcement agencies that bans the use of chokeholds except when deadly force is authorized.” While

the Senate version uses the word 'ban' it then goes on to carve a huge loophole by dropping in the 'except...' Law enforcement officials are permitted to use deadly force when they feel they are in fear for their life. So almost any police officer could defend their use of a chokehold under the Senate's weak wording. This same weakness in wording in the Senate bill continues throughout those other sections.

It is also key to provide a note about those two areas where the Senate bill contains content that the House bill left out. First, a cynic might observe that since the House made their offer first, from a public relations perspective it was a strategic move for the Senate version to find some areas that they could include that were not addressed in the House version, just so they could claim to be more comprehensive. And there is also the fact that the two areas in question - falsification of police reports and sexual contact between a law enforcement official and a prisoner - are already illegal. The Senate version just standardizes the federal response.

It is abundantly clear that the House version of law enforcement reform is the more aggressive of the two offerings. But these two bills will be changing in the coming weeks, as they undergo negotiations in their separate chambers. MoCTrack will keep you posted as these bills progress through Congress.

Sources/Additional reading:

- ["How Police Reform Bills in Congress Compare,"](#) from *Reason*
- ["Senate Republicans' narrow new police reform bill, explained,"](#) from *Vox*
- ["Here Are the Differences Between the Senate and House Bills to Overhaul Policing,"](#) from *The New York Times*