116TH CONGRESS
2D SESSION

S. _____

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

_____

IN THE SENATE OF THE UNITED STATES

_____

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

_____

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".

SEC. 2. PROHIBITING USE OF RIOT CONTROL AGENTS AND

KINETIC IMPACT PROJECTILES BY LAW EN-

FORCEMENT OFFICERS.

(a) DEFINITIONS.—In this section—

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

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

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

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

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

(2) CIVIL PENALTY.—

(A) IN GENERAL.—A Federal law enforce-
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

4

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 civil penalties and civil liability im-

14   posed on Federal law enforcement officers under

15   subsection (b) of this section.