

112TH CONGRESS
2D SESSION

H. R. 5947

To encourage States to prohibit “Stand Your Ground” laws and require Neighborhood Watch programs to register with local law enforcement agencies and the Department of Justice, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2012

Ms. JACKSON LEE of Texas introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To encourage States to prohibit “Stand Your Ground” laws and require Neighborhood Watch programs to register with local law enforcement agencies and the Department of Justice, 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 “Justice Exists for All
5 of Us Act of 2012”.

1 **SEC. 2. STATE “STAND YOUR GROUND” LAWS AND NEIGH-**
2 **BORHOOD WATCH REGISTRATION.**

3 (a) IN GENERAL.—For each fiscal year after the ex-
4 piration of the period of implementation specified in sub-
5 section (b), a State shall—

6 (1) not have in effect throughout the State any
7 law or policy that allows a person to use deadly force
8 when such person is threatened that does not impose
9 a duty to retreat before using such force in any
10 place where such person is lawfully present (com-
11 monly known as “stand your ground laws”), except
12 that a State may have in place a law or policy that
13 permits a victim of domestic violence to use deadly
14 force when such victim is threatened and does not
15 impose a duty to on the victim to retreat before
16 using such force in any place where such victim is
17 lawfully present; and

18 (2) have in effect throughout the State laws
19 and policies that make it unlawful to establish, orga-
20 nize, operate, or participate in a Neighborhood
21 Watch program unless such program is registered
22 with—

23 (A) the local law enforcement agency that
24 has jurisdiction over the neighborhood in which
25 the program is located; and

1 (B) the Department of Justice, in accord-
2 ance with regulations promulgated by the Attor-
3 ney General.

4 (b) PERIOD FOR IMPLEMENTATION BY STATES.—

5 (1) DEADLINE.—Each State shall implement
6 this section before 3 years after the date of the en-
7 actment of this Act.

8 (2) EXTENSIONS.—The Attorney General may
9 authorize up to two 1-year extensions of the deadline
10 in paragraph (1).

11 (c) FAILURE OF STATE TO COMPLY.—

12 (1) IN GENERAL.—For any fiscal year after the
13 end of the period for implementation under sub-
14 section (b), a State that fails, as determined by the
15 Attorney General, to substantially implement this
16 section shall not receive 20 percent of the funds that
17 would otherwise be allocated for that fiscal year to
18 the State under subpart 1 of part E of title I of the
19 Omnibus Crime Control and Safe Streets Act of
20 1968 (42 U.S.C. 3750 et seq.).

21 (2) STATE CONSTITUTIONALITY.—

22 (A) IN GENERAL.—When evaluating
23 whether a State has substantially implemented
24 this section, the Attorney General shall consider
25 whether the State is unable to substantially im-

1 plement this section because of a demonstrated
2 inability to implement certain provisions that
3 would place the State in violation of its con-
4 stitution, as determined by a ruling of the
5 State's highest court.

6 (B) EFFORTS.—If the circumstances arise
7 under subparagraph (A), then the Attorney
8 General and the State shall make good faith ef-
9 forts to accomplish substantial implementation
10 of this section and to reconcile any conflicts be-
11 tween this section and the State's constitution.
12 In considering whether compliance with the re-
13 quirements of this section would likely violate
14 the State's constitution or an interpretation
15 thereof by the State's highest court, the Attor-
16 ney General shall consult with the chief execu-
17 tive and chief legal officer of the State con-
18 cerning the State's interpretation of the State's
19 constitution and rulings thereon by the State's
20 highest court.

21 (C) ALTERNATIVE PROCEDURES.—If the
22 State is unable to substantially implement this
23 section because of a limitation imposed by the
24 State's constitution, the Attorney General may
25 determine that the State is in compliance with

1 this Act if the State has implemented, or is in
2 the process of implementing, reasonable alter-
3 native procedures or accommodations that are
4 consistent with the purposes of this Act.

5 (D) FUNDING REDUCTION.—If a State
6 does not comply with subparagraph (C), then
7 the State shall be subject to a funding reduc-
8 tion as specified in paragraph (1).

9 (3) REALLOCATION.—Amounts not allocated
10 under subpart 1 of part E of title I of the Omnibus
11 Crime Control and Safe Streets Act of 1968 (42
12 U.S.C. 3750 et seq.) to a State for failure to sub-
13 stantially implement this section shall be reallocated
14 under such subpart to States that have not failed to
15 substantially implement this section or may be re-
16 allocated to a State from which they were withheld
17 to be used solely for the purpose of implementing
18 this section.

19 (d) DEFINITION OF STATE.—In this section the term
20 “State” shall have the meaning given such term in section
21 901(a) of Omnibus Crime Control and Safe Streets Act
22 of 1968 (42 U.S.C. 3791(a) et seq.).

○