

113TH CONGRESS  
2D SESSION

# H. R. 5830

To provide that in the case of a law enforcement officer who uses deadly force against a person, and thereby causes the death of that person, a hearing shall be conducted before a judge to determine whether there is probable cause for the State to bring criminal charges against the law enforcement officer relating to the death of the person, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2014

Mr. JOHNSON of Georgia (for himself, Mr. ELLISON, Ms. JACKSON LEE, Mr. GRAYSON, Ms. NORTON, Mr. RANGEL, Mr. CUMMINGS, Mr. CLAY, Ms. LEE of California, and Mr. CONYERS) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide that in the case of a law enforcement officer who uses deadly force against a person, and thereby causes the death of that person, a hearing shall be conducted before a judge to determine whether there is probable cause for the State to bring criminal charges against the law enforcement officer relating to the death of the person, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Grand Jury Reform  
3 Act of 2014”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) Grand juries are typically used as the proc-  
7 ess by which allegations of police misconduct are  
8 prosecuted.

9 (2) There exists a symbiotic relationship be-  
10 tween local prosecutors and the law enforcement of-  
11 ficers who regularly testify in routine grand jury in-  
12 vestigations.

13 (3) The closeness of this relationship creates  
14 public suspicion that accused police officers receive  
15 preferential consideration from grand juries when  
16 they are subject to grand jury investigations.

17 (4) Police officers have the right to appear be-  
18 fore the grand jury investigating allegations of  
19 wrongdoing by said officer, and give testimony not  
20 subject to a thorough cross examination.

21 (5) Grand jury proceedings are by law secret  
22 proceedings.

23 (6) The secret grand jury process has histori-  
24 cally resulted in a refusal to indict when the subject  
25 of their investigation is a local law enforcement offi-  
26 cer.

1           (7) The recent grand jury proceedings following  
2           the deaths of Michael Brown and Eric Garner have  
3           followed historical tradition, ending with a refusal to  
4           indict the law enforcement officers involved in their  
5           deaths.

6           (8) The American people have lost confidence in  
7           the secretive grand jury process when it is used to  
8           evaluate allegations of police misconduct.

9           (9) The loss of confidence in our system of jus-  
10          tice leads to the undermining of the principles of  
11          equality and justice upon which this country was  
12          founded.

13 **SEC. 3. HEARING BEFORE A JUDGE REQUIRED.**

14          (a) RECEIPT OF GRANT FUNDS.—In order for a  
15          State or unit of local government in a State to be eligible  
16          to receive Federal funding under subpart 1 of part E of  
17          title I of the Omnibus Crime Control and Safe Streets Act  
18          of 1968 (42 U.S.C. 3750 et seq.), the State shall comply  
19          with the requirements of this section.

20          (b) HEARING REQUIREMENT; APPOINTMENT OF SPE-  
21          CIAL PROSECUTOR.—In the case of a law enforcement of-  
22          ficer who uses deadly force against a person, and thereby  
23          causes the death of that person, the Governor of the State  
24          in which the death occurred shall appoint a special pros-  
25          ecutor to present evidence on behalf of the State at a hear-

1 ing before a judge in the appropriate court, in order to  
2 determine whether probable cause exists for the State to  
3 bring criminal charges against the law enforcement officer  
4 relating to the death of the person, which determination  
5 shall be made by the judge. The Governor shall use a ran-  
6 dom process to select the special prosecutor from among  
7 the prosecutors in the State, excluding the prosecutors of  
8 the locality in which the death took place.

9 (c) WRITTEN DETERMINATION OF PROBABLE  
10 CAUSE.—The judge presiding over a hearing described in  
11 subsection (b) shall issue the determination described in  
12 subsection (b) in writing, and shall submit such deter-  
13 mination to the chief prosecutor of the locality in which  
14 the death took place.

15 (d) RECOMMENDATIONS OF THE SPECIAL PROS-  
16 ECUTOR.—Upon the conclusion of a hearing described in  
17 subsection (b), the special prosecutor shall submit written  
18 recommendations to the chief prosecutor of the locality in  
19 which the death took place, including a recommendation  
20 regarding whether criminal charges should be brought  
21 against the law enforcement officer relating to the death  
22 of the person.

23 (e) COURT TO REMAIN OPEN TO THE PUBLIC.—In  
24 a hearing described in subsection (a), the court shall re-

- 1 main open to the public, except as determined appropriate
- 2 by the presiding judge.

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