

115TH CONGRESS
1ST SESSION

H. R. 2115

To encourage State, local and tribal jurisdictions to implement and enforce appropriate and time-sensitive procedures to notify the next-of-kin or designated person upon the death or life-threatening emergency of an individual who is in the custody of law enforcement.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2017

Ms. BASS (for herself and Mr. RICHMOND) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To encourage State, local and tribal jurisdictions to implement and enforce appropriate and time-sensitive procedures to notify the next-of-kin or designated person upon the death or life-threatening emergency of an individual who is in the custody of law enforcement.

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 “Family Notification
5 of Death in Custody or Life-Threatening Emergency Act
6 of 2017” or the “Wakiesha’s Law”.

1 **SEC. 2. PURPOSE.**

2 To encourage State, local and tribal jurisdictions to
3 implement and enforce appropriate and time-sensitive pro-
4 cedures to notify the next-of-kin or designated person
5 upon the death or life-threatening emergency of an indi-
6 vidual who is in the custody of law enforcement.

7 **SEC. 3. COMPLIANCE AND INELIGIBILITY.**

8 (a) COMPLIANCE.—

9 (1) FEDERAL LAW ENFORCEMENT AGENCIES.—

10 Each Federal law enforcement agency shall take
11 such actions as may be necessary to ensure compli-
12 ance with the requirements of sections 4 and 5.

13 (2) STATES AND LOCALITIES.—For purposes of
14 this section, a State or unit of local government is
15 a noncompliant jurisdiction if that State or unit of
16 local government does not establish, implement, or
17 enforce a law, policy, or procedure to ensure compli-
18 ance with the requirements of sections 4 and 5.

19 (b) REDUCTION OF GRANT FUNDS.—For each fiscal
20 year beginning after the date of enactment of this Act,
21 a State shall be subject to a 10-percent reduction of the
22 funds that would otherwise be allocated for the fiscal year
23 to the State under subpart 1 of part E of title I of the
24 Omnibus Crime Control and Safe Streets Act of 1968 (42
25 U.S.C. 3750 et seq.), whether characterized as the Ed-
26 ward Byrne Memorial State and Local Law Enforcement

1 Assistance Programs, the Local Government Law En-
2 forcement Block Grants Program, the Edward Byrne Me-
3 morial Justice Assistance Grant Program, or otherwise,
4 if during the prior fiscal year—

5 (1) the State was a noncompliant jurisdiction;
6 or

7 (2) a unit of local government was a noncompli-
8 ant jurisdiction.

9 (c) REALLOCATION OF FUNDS.—Amounts not allo-
10 cated accordingly to a State for failure to fully comply
11 with this Act shall be reallocated under that program to
12 States that have complied with this Act.

13 **SEC. 4. INFORMATION REQUIRED UPON ARREST OR DE-**
14 **TENTION.**

15 (a) IN GENERAL.—In the case of an individual taken
16 into the custody of a law enforcement agency, the agency
17 shall, at the time of taking custody, including during an
18 arrest, during or prior to booking or intake screening as
19 a new commitment, in transfer from another institution,
20 as a court return, as a return from a writ, or as a hold-
21 over, obtain basic identification information for the indi-
22 vidual, including his or her name, date of birth, and last
23 known address, as well as ensuring that the information
24 is accurate and complete. The individual may not be

1 placed into any correctional institution prior to the acqui-
 2 sition and confirmation of such information.

3 (b) EMERGENCY NOTIFICATION INFORMATION.—The
 4 receiving institution or agency shall also obtain the name,
 5 relationship, and contact information, including mailing
 6 address and one or more phone numbers, of at least one
 7 person or next-of-kin to be notified in case of death or
 8 emergency. In all instances where counsel has entered ap-
 9 pearance on the record as a representative for the indi-
 10 vidual, the attorney listed shall by default be listed as the
 11 designated emergency contact. The attorney contact shall
 12 be provided in addition to the contact or contacts provided
 13 by the individual.

14 (c) NO USE IN PROCEEDINGS.—Under no cir-
 15 cumstances may any information obtained for the purpose
 16 of identifying a next-of-kin or designated emergency con-
 17 tact be used in any criminal, civil or investigative pro-
 18 ceeding against the individual.

19 **SEC. 5. NOTIFICATION BY LAW ENFORCEMENT OF FAMILY**
 20 **WITH REGARD TO DEATH OR LIFE-THREAT-**
 21 **ENING EMERGENCY OCCURRING TO INDIV-**
 22 **IDUAL IN CUSTODY.**

23 (a) DEATH NOTIFICATION MINIMUM STANDARDS.—
 24 In the case of an individual who dies while in the custody
 25 of a law enforcement agency:

1 (1) WRITTEN NOTIFICATION PLAN.—A law en-
2 forcement agency shall have a written notification
3 plan in place identifying all designated staff mem-
4 bers who are authorized, trained and prepared to de-
5 liver notification of death to the next-of-kin or des-
6 ignated contact in a professional and compassionate
7 manner.

8 (2) TIMEFRAME FOR NOTIFICATION.—In the
9 event an individual dies while in the custody of law
10 enforcement, such notification shall be delivered not
11 later than 3 hours after the declaration of death.

12 (3) MANNER OF NOTIFICATION.—To minimize
13 confusion and trauma suffered by the family or des-
14 ignated contact of the deceased, reasonable efforts
15 may be taken when practical to ensure that notifica-
16 tion is provided in-person and in a private setting.

17 (4) INFORMATION REQUIRED.—Such notifica-
18 tion shall include the official time of death, the
19 cause of death (if determined) and all pertinent cir-
20 cumstances surrounding the death, including wheth-
21 er the individual's death is under investigation and
22 the reason for opening an investigation.

23 (5) DOCUMENTATION OF ATTEMPTS.—All noti-
24 fication attempts shall be documented and main-
25 tained within the custodial record, including—

1 (A) the staff name and corresponding
2 agency or department contact information for
3 all those responsible for carrying out the notifi-
4 cation;

5 (B) the date and time of successful and
6 unsuccessful contacts;

7 (C) the names and contacts to which at-
8 tempts were made, and any reason for failed or
9 unsuccessful contact; and

10 (D) any incidents of unclaimed or rejected
11 claims for the body or property of the deceased,
12 including a detailed description of where any
13 unclaimed bodies and property have been dis-
14 posed of.

15 (b) AUTOPSY NOTIFICATIONS.—In the case of an in-
16 dividual who dies while in the custody of a law enforce-
17 ment agency, if an autopsy of that individual is required:

18 (1) NOTIFICATION.—The next-of-kin or des-
19 ignated contacts shall be informed immediately upon
20 any determination that an autopsy shall be per-
21 formed, and such notification shall include the rea-
22 son that the autopsy is being performed.

23 (2) RESULTS REPORTED.—A copy of the au-
24 topsy report and results shall be made available to

1 the next-of-kin or designated contact immediately
2 upon completion.

3 (3) INDEPENDENT AUTOPSY.—The State and
4 the next of kin shall have the opportunity to perform
5 a separate autopsy.

6 (c) LIFE-THREATENING EMERGENCY NOTIFICATION
7 MINIMUM STANDARDS.—In the case of any life-threat-
8 ening event occurring to an individual in the custody of
9 a law enforcement agency:

10 (1) WRITTEN NOTIFICATION PLAN.—A law en-
11 forcement agency shall have a written notification
12 plan in place identifying all designated staff mem-
13 bers who are authorized, trained and prepared to de-
14 liver notification of a life-threatening event to the
15 next-of-kin or designated contact in a professional
16 and compassionate manner.

17 (2) TIMEFRAME FOR NOTIFICATION.—Notice to
18 the designated emergency contact shall be made as
19 soon as practicable after the life-threatening event
20 occurs, and, where practicable without delaying
21 treatment, prior to any required medical procedure,
22 but in any event, not later than any medical dis-
23 charge or clearance.

24 (3) MANNER OF NOTIFICATION.—To minimize
25 confusion and trauma suffered by the family or des-

1 ignated contact of the individual who has suffered a
2 life-threatening event, reasonable efforts may be
3 taken when practical to ensure that notification is
4 made in-person and in a private setting.

5 (4) INFORMATION REQUIRED.—Such notifica-
6 tion shall include details of the life-threatening
7 event, including—

8 (A) whether the individual is incapacitated,
9 unconscious, or unable to speak;

10 (B) the cause and nature of the life-threat-
11 ening event;

12 (C) whether any medical procedures or life-
13 saving measures were performed in response to
14 the life-threatening event; and

15 (D) whether any medical followup is rec-
16 ommended and the nature of the recommended
17 followup.

18 (5) DOCUMENTATION OF ATTEMPTS.—All noti-
19 fication attempts shall be documented and main-
20 tained within the custodial record, including—

21 (A) the staff name and corresponding
22 agency or department contact information for
23 all those responsible for carrying out the notifi-
24 cation;

1 (B) the date and time of successful and
2 unsuccessful contacts; and

3 (C) the names and contacts to which at-
4 tempts were made, and any reason for failed or
5 unsuccessful contact.

6 **SEC. 6. REPORT TO ATTORNEY GENERAL.**

7 Section 2(b) of the Death in Custody Reporting Act
8 of 2013 (42 U.S.C. 13727(b)) is amended—

9 (1) in paragraph (3), by striking “and” at the
10 end;

11 (2) in paragraph (4), by striking the period at
12 the end and inserting a semicolon; and

13 (3) by inserting after paragraph (4) the fol-
14 lowing:

15 “(5) the date and time notification of death was
16 provided to the next of kin or designated contact;

17 “(6) the date and time of each unsuccessful no-
18 tification attempt was made; and

19 “(7) a detailed description of where any un-
20 claimed bodies and property have been disposed of,
21 including the amount of time lapsed prior to taking
22 such action.”.

23 **SEC. 7. DEFINITIONS.**

24 In this Act:

1 (1) IN CUSTODY OF A LAW ENFORCEMENT
2 AGENCY.—The term “in the custody of a law en-
3 forcement agency” means, with regard to an indi-
4 vidual, that the individual is detained, under arrest,
5 or is in the process of being arrested, is en route to
6 be incarcerated, or is incarcerated at a municipal or
7 county jail, State prison, State-run boot camp pris-
8 on, boot camp prison that is contracted out by the
9 State, any State or local contract facility, or other
10 local, tribal or State correctional facility, including a
11 juvenile facility or a medical or mental health facil-
12 ity.

13 (2) CUSTODIAL RECORD.—The term “custodial
14 record” means the central file of an individual in
15 custody.

16 (3) JUVENILE FACILITY.—The term “juvenile
17 facility” includes juvenile or youth detention center,
18 placement facility, group home or other State, pri-
19 vate or contracted unit maintaining the custody of
20 a youth under court order or law enforcement ac-
21 tion.

22 (4) LIFE-THREATENING.—The term “life-
23 threatening event” means a medical event, episode,
24 condition, or accident—

1 (A) where, without immediate treatment
2 for the condition, death is eminent;

3 (B) where hospitalization is required be-
4 cause of a serious, life-threatening medical or
5 surgical condition that requires immediate
6 treatment; or

7 (C) where an individual is unconscious or
8 incapacitated such that they are incapable of
9 providing consent for medical treatment.

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