

119TH CONGRESS
2D SESSION

S. 3804

To amend title 18, United States Code, to hold police accountable in the courts.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2026

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to hold police accountable in the courts.

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 “Under Color of Law
5 Accountability Act”.

1 **SEC. 2. PROHIBITING EXCESSIVE FORCE, THEFT, AND OB-**
 2 **STRUCTION BY PERSONS ACTING UNDER**
 3 **COLOR OF LAW.**

4 (a) AMENDMENT.—Part I of title 18, United States
 5 Code, is amended by inserting after section 1623 the fol-
 6 lowing:

7 **“CHAPTER 80—PERSONS ACTING UNDER**
 8 **COLOR OF LAW**

“Sec.

“1641. Prohibiting excessive force by persons acting under color of law.

“1642. Prohibiting theft of money, personal property, controlled substances, and
 contraband by persons acting under color of law.

“1643. Prohibiting obstruction undertaken under color of law.

“1644. Statute of limitations.

“1645. Definitions.

9 **“§ 1641. Prohibiting excessive force by persons acting**
 10 **under color of law**

11 “(a) USE OF EXCESSIVE FORCE.—

12 “(1) OFFENSE.—It shall be unlawful for any
 13 person to, acting under color of law, cause bodily in-
 14 jury to another by intentionally using force against
 15 another if the person—

16 “(A) knows that the force is excessive; or

17 “(B) consciously disregards a substantial
 18 risk that the force is excessive.

19 “(2) PENALTY.—Any person who violates para-
 20 graph (1) shall—

21 “(A) be fined under this title, be impris-
 22 oned for not more than 10 years, or both; or

1 “(B) in the case of an offense that involves
2 kidnapping, attempted kidnapping, or an at-
3 tempt to kill or that results in death, be fined
4 under this title, imprisoned for not more than
5 30 years, or both.

6 “(3) CONSPIRACY.—Any person who conspires
7 to commit a violation of paragraph (1) shall be sub-
8 ject to the same penalties as those prescribed for the
9 offense, as if such offense were completed.

10 “(4) SOLICITATION OF A VIOLATION.—

11 “(A) IN GENERAL.—Any person, acting
12 under color of law, who solicits, counsels, com-
13 mands, directs, or induces another person to
14 commit a violation of paragraph (1), with the
15 intent that the violation be committed, shall be
16 subject to the same penalties as those pre-
17 scribed for the offense, as if such offense were
18 completed by the person.

19 “(B) COMPLETION OF SOLICITED VIOLA-
20 TION PROOF REQUIREMENT.—In a prosecution
21 for an offense under subparagraph (A), the
22 Federal Government need not prove that any
23 person actually committed or attempted to com-
24 mit the solicited violation of paragraph (1).

25 “(b) USE OF FIREARM.—

1 “(1) OFFENSE.—It shall be unlawful for any
2 person, acting under color of law, to attempt to
3 cause death or bodily injury through the discharge
4 of a firearm, if the person knows that such an act
5 would constitute excessive force if death or injury
6 were to result.

7 “(2) PENALTY.—Any person who violates para-
8 graph (1) shall be fined under this title, imprisoned
9 for not more than 10 years, or both.

10 “(c) FAILURE TO INTERVENE.—

11 “(1) IN GENERAL.—Any person who, acting
12 under color of law, and having the duty, opportunity,
13 and ability to intervene, deliberately chooses not to
14 take reasonable steps to stop or prevent a use of ex-
15 cessive force, knowing that the force is excessive,
16 shall be subject to the same penalties as those pre-
17 scribed for the offense, as if such offense were com-
18 pleted by the person.

19 “(2) LIMITATION.—Paragraph (1) shall not
20 apply to any person who takes reasonable steps to
21 stop or prevent the use of excessive force, regardless
22 of whether the steps were successful.

1 **“§ 1642. Prohibiting theft of money, personal prop-**
2 **erty, controlled substances, and contra-**
3 **band by persons acting under color of**
4 **law**

5 “(a) OFFENSE.—It shall be unlawful for any person,
6 acting under color of law, to—

7 “(1) knowingly convert to their personal use, or
8 to the personal use of another, any sum of money,
9 personal property valued at more than \$25.00, or
10 any controlled substance or contraband obtained—

11 “(A) from any person—

12 “(i) in their custody or control;

13 “(ii) in the control or custody of an-
14 other person acting under color of law;

15 “(iii) in the control or custody of a
16 prison or other correctional or detention
17 facility whether run by a government agen-
18 cy or private entity;

19 “(iv) in the custody or control of a
20 law enforcement agency; or

21 “(v) in the control or custody of an
22 institution; or

23 “(B) from any home, vehicle, or other
24 property searched—

25 “(i) pursuant to warrant or other
26 legal process; or

1 “(ii) when access to such property is
2 granted because an officer or government
3 actor shows a badge, identifies himself or
4 herself as a law enforcement or govern-
5 ment official, or there is otherwise a simi-
6 lar display of law enforcement or other
7 governmental authority, including when an
8 officer misuses their official authority to
9 obtain consent to search the property or
10 otherwise gain entry to the property; or

11 “(2) knowingly take any sum of money, per-
12 sonal property valued at more than \$25.00, or any
13 controlled substance or contraband, with the intent
14 to convert the money, property, contraband, or con-
15 trolled substance to their own personal use or to the
16 personal use of another, knowing that the person
17 has no legal right to such money, property, contra-
18 band, or controlled substance.

19 “(b) PENALTY.—Any person who violates subsection
20 (a) shall—

21 “(1) in the case of an offense involving money
22 or property the value of which is more than \$1,000,
23 be fined under this title, imprisoned for not more
24 than 10 years, or both;

1 “(2) in the case of an offense involving money
2 or property the value of which is more than \$500,
3 be fined under this title, imprisoned for not more
4 than 5 years, or both; or

5 “(3) be fined under this title, imprisoned for
6 not more than 5 years, or both.

7 “(c) APPLICABILITY.—Subsection (a) shall not apply
8 to the taking of money, property, controlled substances,
9 or contraband for legitimate law enforcement or govern-
10 mental purposes, such as for use as evidence in a trial
11 or for confiscation as proceeds of illegal activity.

“(d) CUSTODY OR CONTROL.—For purposes of this section, an individual shall be considered to be in the custody or control of a law enforcement officer or other person acting under color of law if that individual is the subject of a seizure, as that term is used in the Fourth Amendment to the Constitution of the United States, even if that seizure is only temporary.

19 **“§ 1643. Prohibiting obstruction undertaken under**
20 **color of law**

21 “(a) OFFENSE.—It shall be unlawful for any person,
22 acting under color of law, to knowingly, and with the in-
23 tent to cover up or conceal a possible violation of any
24 color-of-law offense in this chapter or chapter 13, includ-
25 ing under section 242, 1641, 1642, or 1643, or acting with

1 the intent to cover up or conceal an act or omission that
2 constitutes or could constitute a violation of any right se-
3 cured or protected by the Constitution of the United
4 States or Federal law, or acting with intent to prevent
5 the recording or preservation of evidence of a violation of
6 a color-of-law offense or violation of a constitutional or
7 Federal right—

8 “(1) destroy, mutilate, corrupt, alter, conceal,
9 falsify, or otherwise render unavailable any recording
10 device, including a camera, video recording device,
11 audio recording device, tablet, computer, cellular
12 telephone, or cellular telephone application, whether
13 owned by a private person, or owned or operated by
14 a law enforcement organization, or to take such ac-
15 tion with respect to a picture, image, data, or video
16 or audio recordings made by, or captured upon, such
17 a device;

18 “(2) use physical force or the threat of physical
19 force to interfere with a person who, without inter-
20 fering in law enforcement activity or breaking any
21 law, records law enforcement activity—

22 “(A) in a public setting; or

23 “(B) in a home, vehicle, business, or simi-
24 lar premises when the recording is made by the
25 owner or legal occupant of such premises or

1 with the express or implied permission of an
2 owner or legal occupant present on the prem-
3 ises;

4 “(3) use arrest, the threat of arrest, or other
5 abuse of the law or legal process to interfere with a
6 person who, without interfering in law enforcement
7 activity or breaking any law, records law enforce-
8 ment activity—

9 “(A) in a public setting; or

10 “(B) in a home, vehicle, business, or simi-
11 lar premises when the recording is made by the
12 owner or legal occupant of such premises or
13 with the express or implied permission of an
14 owner or legal occupant present on the prem-
15 ises;

16 “(4) use physical force, the threat of physical
17 force, intimidation, harassment, misleading conduct,
18 or corrupt persuasion to cause another to destroy,
19 mutilate, corrupt, alter, conceal, falsify, or otherwise
20 render unavailable any recording of law enforcement
21 activity;

22 “(5) use physical force, the threat of physical
23 force, intimidation, harassment, misleading conduct,
24 or corrupt persuasion to prevent or persuade an-
25 other to provide false information about the exist-

1 ence or content of such a recording during or in re-
 2 lation to an official investigation or inquiry into a
 3 matter or in anticipation that such an official inves-
 4 tigation will be initiated or continued; or

5 “(6) destroy, mutilate, corrupt, alter, conceal,
 6 falsify, or otherwise render unavailable any tangible
 7 object that may serve as evidence of a violation of
 8 a color-of-law offense or violation of a constitutional
 9 or Federal right.

10 “(b) PENALTY.—Any person who violates subsection
 11 (a) shall—

12 “(1) be fined under this title, imprisoned for
 13 not more than 20 years, or both; or

14 “(2) if death results, be fined under this title,
 15 imprisoned for not more than 30 years, or both.

16 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
 17 tion shall be construed to—

18 “(1) prohibit a law enforcement officer from
 19 forbidding, discouraging, or preventing recording of
 20 sensitive law enforcement activities, such as—

21 “(A) internal briefings;

22 “(B) undercover activities;

23 “(C) classified or sensitive subject matters;

24 “(D) interviews with victims, witnesses, in-
 25 formants, and cooperating defendants; or

1 “(E) internal personnel discussions;

2 “(2) prohibit a law enforcement officer from
3 precluding a third party from entering a private
4 home or other premises during a search or arrest or
5 other investigatory activity; or

6 “(3) prohibit a law enforcement officer from en-
7 forcing reasonable regulations on recording conduct
8 in public settings, if such regulations are imposed
9 and enforced for the safety of any person and in ac-
10 cordance with the First Amendment to the Constitu-
11 tion of the United States.

12 “(d) INTENT PROOF REQUIREMENT.—In a prosecu-
13 tion for an offense under subsection (a), the Government
14 need not prove—

15 “(1) that the person was aware that the matter
16 the person intended to obstruct involved a violation
17 of any particular Federal law or constitutional right;
18 or

19 “(2) that the person had knowledge that any
20 pending or anticipated official investigation is Fed-
21 eral in nature.

22 “(e) OFFICIAL INVESTIGATION.—For purposes of
23 this section, an official investigation shall include a Fed-
24 eral criminal investigation, a Federal civil investigation,

1 such as a pattern or practice investigation and a State
2 criminal or administrative investigation.

3 **“§ 1644. Statute of limitations**

4 “(a) DEATH-RESULTING OFFENSES.—An indictment
5 or information alleging that an offense under section
6 1641, 1642, or 1642 resulted in death may be found or
7 instituted at any time without limitation.

8 “(b) OTHER OFFENSES.—Except as provided in sub-
9 section (a), no person shall be prosecuted, tried, or pun-
10 ished for any offense under section 1641, 1642, or 1643
11 unless the indictment for such offense is found, or the in-
12 formation for such offense is instituted, not later than 7
13 years after the date on which the offense was completed.

14 **“§ 1645. Definitions**

15 “In this chapter:

16 “(1) BODILY INJURY.—The term ‘bodily in-
17 jury’—

18 “(A) has the meaning given the term in
19 section 1365(h); and

20 “(B) does not include solely emotional or
21 psychological harm.

22 “(2) CONTROLLED SUBSTANCE.—The term
23 ‘controlled substance’ has the meaning given the
24 term in section 102 of the Controlled Substances
25 Act (21 U.S.C. 802).

1 “(3) EXCESSIVE FORCE.—

2 “(A) IN GENERAL.—The term ‘excessive
3 force’—

4 “(i) means—

5 “(I) in the case of force used
6 against a person incarcerated based
7 upon a criminal conviction, force that
8 is both unnecessary and wanton; and

9 “(II) in any other case, force
10 that is objectively unreasonable force;
11 and

12 “(ii) includes deadly force if the use of
13 deadly force was objectively unreasonable
14 under all the facts and circumstances.

15 “(B) WANTON USE OF FORCE.—For pur-
16 poses of subparagraph (A)(i)(I), wanton use of
17 force shall include—

18 “(i) non-de-minimis force intentionally
19 inflicted in the absence of a legitimate pe-
20 nological purpose; and

21 “(ii) force used with the intent to in-
22 flict harm, injury, pain, or suffering be-
23 yond that which would result from a good
24 faith effort to maintain discipline, restore

1 order, or to achieve any other legitimate
2 penological purpose.

3 “(C) OBJECTIVELY UNREASONABLE
4 FORCE.—For purposes of subparagraph (A),
5 the term ‘objectively unreasonable force’ means
6 force that, upon consideration of all the facts
7 and circumstances from the point of view of a
8 reasonable officer or government actor on the
9 scene, exceeds the amount of force necessary to
10 accomplish a legitimate law enforcement or gov-
11 ernmental objective.

12 “(D) DEADLY FORCE.—For purpose of
13 subparagraph (A)(i)(II), the use of deadly force
14 shall be considered reasonable if, from the point
15 of view of a reasonable officer or government
16 actor on the scene, such force is—

17 “(i) reasonably necessary to prevent
18 an imminent threat of death or serious
19 bodily injury to the person using the force
20 or to any other person; or

21 “(ii) reasonably necessary to prevent
22 the escape of a suspect or person in cus-
23 tody if a reasonable officer or government
24 actor on the scene would have probable
25 cause to believe that the escapee would, if

1 not immediately apprehended, pose a seri-
 2 ous threat of physical harm to the officer
 3 or to others and when escape cannot rea-
 4 sonably be prevented by the use of less le-
 5 thal force or other means.

6 “(4) UNDER THE COLOR OF LAW.—The term
 7 ‘under the color of law’ includes actions taken under
 8 the color of any Federal, State, Tribal, territorial,
 9 commonwealth, possession, or district law, which in-
 10 cludes any statute, ordinance, regulation, or custom
 11 thereof.”.

12 (b) TABLE OF CHAPTERS.—The table of chapters for
 13 part I of title 18, United States Code, is amended by in-
 14 serting after the item relating to chapter 79 the following:

“80 Persons acting under color of law 1641”.

