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**CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS**


**RANKING MEMBER OF THE SUBCOMMITTEE ON CRIME AND FEDERAL  
GOVERNMENT SURVEILLANCE**

**MARKUP OF H.R. 3269, THE LAW ENFORCEMENT INNOVATE TO  
DE-ESCALATE ACT**

**OPENING STATEMENT**

**BEFORE THE COMMITTEE ON THE JUDICIARY**

**APRIL 17, 2024**

- Thank you, Mr. Chairman. 
- It is critical that law enforcement officers have the tools they need to do their jobs.
- Every time a law enforcement officer can contain a dangerous situation or prevent a shooting without using lethal force is a time that officer has potentially saved a life.

- As a strong advocate for de-escalation, I believe that there could be opportunities for us to further support the use of less-lethal weapons in place of lethal force.
- If we were operating under regular order, we could have had a hearing with law enforcement, ATF, civil rights leaders, and others about how less-lethal weapons could be used to reduce officer-involved shootings and make all of us safer.
- But instead, we are again proceeding to markup without a hearing on a complex issue with unresolved technical questions.
- The dangers of this bill were identified nearly two years ago when the Department of Justice reviewed a prior version of this legislation. That review included input from numerous experts, including prosecutors, law enforcement, and firearms experts.
- Each of these experts raised significant concerns about this legislation which have not been addressed in the version before us today.
- They warned that this bill will put dangerous weapons in the hands of prohibited purchasers, domestic abusers, convicted felons, and those seeking to target law enforcement.

- This bill also would pave the way for these weapons to be used in schools, hospitals, and mental health institutions where traditional firearms are prohibited or inappropriate.
- An SEC filing from one manufacturer shows that it hopes to profit from getting the device into these settings.
- Unfortunately, we know too well what happens when dangerous devices are present in our schools and when students, especially students of color, are viewed as needing to be controlled rather than respected – even when those devices are deemed less than lethal.
- In 2021, students at Little Elm High School in Dallas, Texas organized a walk out. Police responded to the walk out and videos from that day show police using pepper spray and a taser on a Black teenager.
- Education advocates have argued that when used in schools, these devices could actually *increase* the degree of force used against students of color because they would be used instead of less dangerous physical restraints.
- For these less-lethal weapons to be effective, they have to be used as an alternative to lethal force, not as a substitute for safer alternatives like de-escalation or handcuffs.

- Undoubtedly, there are times when law enforcement officers have used less-lethal weapons responsibly and effectively, containing or controlling a situation without resorting to firing a gun.
- Unfortunately, this legislation would not advance that goal and would instead create a loophole that will endanger all of us.
- I, like the multitude of experts and practitioners who chose to weigh-in, must oppose this bill and urge my colleagues to do the same.
- I thank the Chairman and I yield back.