To amend the Omnibus Crime Control and Safe Streets Act of 1968 to establish the Pandemic Jail and Prison Emergency Response grant programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2020

Mr. NADLER (for himself, Ms. Bass, and Mr. Jeffries) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to establish the Pandemic Jail and Prison Emergency Response grant programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “COVID–19 Correctional Facility Emergency Response Act of 2020”.

VerDate Sep 11 2014 18:28 Apr 10, 2020 Jkt 099200 PO 00000 Frm 00001 Fmt 6652 Sfmt 6201 E:\BILLS\H6414.IH H6414pamtmann on DSKBC07HB2PROD with BILLS
SEC. 2. PANDEMIC CORRECTIONAL FACILITY EMERGENCY RESPONSE.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended by adding at the end the following:

“PART OO—PANDEMIC CORRECTIONAL FACILITY EMERGENCY RESPONSE

“SEC. 3061. FINDINGS; PURPOSES.

“(a) IMMEDIATE RELEASE OF VULNERABLE AND LOW-RISK INDIVIDUALS.—The purpose of the grant program under section 3062 is to provide for the testing, initiation and transfer to treatment in the community, and provision of services in the community, by States and units of local government as they relate to preventing, detecting, and stopping the spread of COVID–19 in correctional facilities.

“(b) PRETRIAL CITATION AND RELEASE.—

“(1) FINDINGS.—Congress finds as follows:

“(A) With the dramatic growth in pretrial detention resulting in county and city correctional facilities regularly exceeding capacity, such correctional facilities may serve to rapidly increase the spread of COVID–19, as facilities that hold large numbers of individuals in congregant living situations may promote the spread of COVID–19.
“(B) While individuals arrested and processed at local correctional facilities may only be held for hours or days, exposure to large number of individuals in holding cells and courtrooms promotes the spread of COVID–19.

“(C) Pretrial detainees and individuals in correctional facilities are then later released into the community having being exposed to COVID–19.

“(2) PURPOSE.—The purpose of the grant program under section 3063 is to substantially increase the use of risk-based citation release for all individuals who do not present a public safety risk.

“SEC. 3062. IMMEDIATE RELEASE OF VULNERABLE AND LOW-RISK INDIVIDUALS.

“(a) AUTHORIZATION.—The Attorney General shall carry out a grant program to make grants to States and units of local government that operate correctional facilities, to establish and implement policies and procedures to prevent, detect, and stop the presence and spread of COVID–19 among arrestees, detainees, inmates, correctional facility staff, and visitors to the facilities.

“(b) PROGRAM ELIGIBILITY.—

“(1) IN GENERAL.—Eligible applicants under this section are States and units of local government
that release or have a plan to release the persons de-
scribed in paragraph (2) from custody in order to
meet 80 percent of the rated capacity of a correc-
tional facility, within 60 days of the declaration of
a national emergency issued by the President, dated
March 13, 2020, entitled ‘Proclamation on Declaring
a National Emergency Concerning the Novel
Coronavirus Disease (COVID–19) Outbreak’.

“(2) PERSONS DESCRIBED.—A person de-
scribed in this paragraph is a person who—

“(A) does not pose a risk of serious, immi-
nent injury to a reasonably identifiable person;
or

“(B) is—

“(i) 50 years of age or older;

“(ii) an individual with serious chron-
ic medical conditions, including heart dis-
ease, cancer, diabetes, HIV, sickle cell ane-
mia, a neurological disease that interferes
with the ability to cough or breathe, chron-
ic lung disease, asthma, or respiratory ill-
ness;

“(iii) a pregnant woman;
“(iv) an individual who is immunocompromised or has a weakened immune system; or
“(v) an individual who has a health condition or disability that makes them vulnerable to COVID–19.
“(c) AUTHORIZED USES.—Funds awarded pursuant to this section shall be used by grantees to—
“(1) test all arrestees, detainees, and inmates, and initiate treatment for COVID–19, and transfer such an individual for an appropriate treatment at external medical facility, as needed;
“(2) test for COVID–19—
“(A) correctional facility staff;
“(B) volunteers;
“(C) visitors, including family members and attorneys;
“(D) court personnel that have regular contact with arrestees, detainees, and inmates;
“(E) law enforcement officers who transport arrestees, detainees, and inmates; and
“(F) personnel outside the correctional facility who provide medical treatment to arrestees, detainees, and inmates;
“(3) curtail booking and in-facility processing for individuals who have committed technical parole or probation violations; and

“(4) provide transition and reentry support services to individuals released pursuant to this section, including programs that—

“(A) increase access to and participation in reentry services;

“(B) promote a reduction in recidivism rates;

“(C) facilitate engagement in educational programs, job training, or employment;

“(D) place reentering individuals in safe and sanitary temporary transitional housing;

“(E) facilitate the enrollment of reentering individuals with a history of substance use disorder in medication-assisted treatment and a referral to overdose prevention services, mental health services, or other medical services; and

“(F) facilitate family reunification or support services, as needed.

“SEC. 3063. PRETRIAL CITATION AND RELEASE.

“(a) AUTHORIZATION.—The Attorney General shall make grants under this section to eligible applicants for the purposes set forth in section 3061(b)(2).
“(b) Program Eligibility.—Eligible applicants under this section are States and units of local government that implement or continue operation of a program described in subsection (c)(1) and not fewer than 2 of the other programs enumerated in such subsection.

“(c) Use of Grant Funds.—A grantee shall use amounts provided as a grant under this section for programs that provide for the following:

“(1) Adopting and operating a cite-and-release process for individuals who are suspected of committing misdemeanor and felony offenses and who do not pose a risk of serious, imminent injury to a reasonably identifiable person.

“(2) Curtailing booking and in-facility processing for individuals who have committed technical parole or probation violations.

“(3) Ensuring that defense counsel is appointed at the earliest hearing that could result in pretrial detention so that low-risk defendants are not unnecessarily further exposed to COVID–19.

“(4) Establishing early review of charges by an experienced prosecutor, so only arrestees and detainees who will be charged are detained.

“(5) Providing appropriate victims’ services supports and safety-focused residential accommoda-
tions for victims and community members who have
questions or concerns about releases described in
this subsection.

“SEC. 3064. REPORT.

“Not later than two years after the date on which
grants are initially made under this section, the Attorney
General shall submit to Congress a report on the program,
which shall include—

“(1) the number of grants made, the number of
grantees, and the amount of funding distributed to
each grantee pursuant to this section;

“(2) the location of each correctional facility
where activities are carried out using grant amounts;
and

“(3) the number of persons who have benefitted
from early release, disaggregated by type of offense,
age, race, and ethnicity.

“SEC. 3065. DEFINITION.

“For purposes of this part:

“(1) CORRECTIONAL FACILITY.—The term ‘cor-
rectional facility’ includes a juvenile facility.

“(2) COVID–19.—The term ‘COVID–19’
means a disease caused by severe acute respiratory
syndrome coronavirus 2 (SARS–CoV–2).
“(3) Detainee; arrestee; inmate.—The terms ‘detainee’, ‘arrestee’, and ‘inmate’ each include juveniles.

‘SEC. 3066. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,000,000,000 for each of fiscal years 2021 and 2022 to carry out sections 3062 and 3063.”.