

116TH CONGRESS
2D SESSION

S. 3720

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 SENATE OF THE UNITED STATES

MAY 13, 2020

Mrs. FEINSTEIN (for herself, Mr. BOOKER, and Ms. HARRIS) introduced the following bill; which was read twice and 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.

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 “COVID–19 Correc-
5 tional Facility Emergency Response Act of 2020”.

1 **SEC. 2. PANDEMIC CORRECTIONAL FACILITY EMERGENCY**
 2 **RESPONSE.**

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

6 **“PART OO—PANDEMIC CORRECTIONAL FACILITY**
 7 **EMERGENCY RESPONSE**

8 **“SEC. 3061. FINDINGS; PURPOSES.**

9 “(a) IMMEDIATE RELEASE OF VULNERABLE AND
 10 LOW RISK INDIVIDUALS.—The purpose of the grant pro-
 11 gram under section 3062 is to provide for the testing, ini-
 12 tiation and transfer to treatment in the community, and
 13 provision of services in the community by States and units
 14 of local government as they relate to preventing, detecting,
 15 and stopping the spread of COVID–19 in correctional fa-
 16 cilities.

17 “(b) PRETRIAL CITATION AND RELEASE.—

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

19 “(A) With the dramatic growth in pretrial
 20 detention resulting in county and city correc-
 21 tional facilities regularly exceeding capacity,
 22 such correctional facilities may serve to rapidly
 23 increase the spread of COVID–19, as facilities
 24 that hold large numbers of individuals in
 25 congregant living situations may promote the
 26 spread of COVID–19.

1 “(B) While individuals arrested and proc-
 2 essed at local correctional facilities may only be
 3 held for hours or days, exposure to large num-
 4 ber of individuals in holding cells and court-
 5 rooms promotes the spread of COVID–19.

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

10 “(2) PURPOSE.—The purpose of the grant pro-
 11 gram under section 3063 is to substantially increase
 12 the use of risk-based citation release for all individ-
 13 uals who do not present a public safety risk.

14 **“SEC. 3062. IMMEDIATE RELEASE OF VULNERABLE AND**
 15 **LOW RISK INDIVIDUALS.**

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

23 “(b) PROGRAM ELIGIBILITY.—

24 “(1) IN GENERAL.—Eligible applicants under
 25 this section are States and units of local government

1 that release or have a plan to release the persons de-
2 scribed in paragraph (2) from custody in order to
3 ensure that, not later than May 12, 2020, the total
4 population of arrestees, detainees, and inmates at a
5 correctional facility is not more than 80 percent of
6 the rated capacity of the correctional facility.

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

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

11 or

12 “(B) is—

13 “(i) not less than 50 years of age;

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

21 “(iii) a pregnant woman;

22 “(iv) an individual who is
23 immunocompromised or has a weakened
24 immune system; or

1 “(v) an individual who has a health
2 condition or disability that makes them
3 vulnerable to COVID–19.

4 “(c) AUTHORIZED USES.—A grantee shall use
5 amounts provided under a grant under this section to—

6 “(1) test all arrestees, detainees, and inmates
7 for COVID–19;

8 “(2) for each arrestee, detainee, or inmate who
9 has a positive test for COVID–19, initiate treatment
10 for COVID–19 and transfer such an individual for
11 an appropriate treatment at external medical facil-
12 ity, as needed;

13 “(3) test for COVID–19—

14 “(A) correctional facility staff;

15 “(B) volunteers;

16 “(C) visitors, including family members
17 and attorneys;

18 “(D) court personnel that have regular
19 contact with arrestees, detainees, and inmates;

20 “(E) law enforcement officers who trans-
21 port arrestees, detainees, and inmates; and

22 “(F) personnel outside the correctional fa-
23 cility who provide medical treatment to
24 arrestees, detainees, and inmates;

1 “(4) curtail booking and in-facility processing
2 for individuals who have committed technical parole
3 or probation violations; and

4 “(5) provide transition and reentry support
5 services to individuals released pursuant to this sec-
6 tion, including programs that—

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

9 “(B) promote a reduction in recidivism
10 rates;

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

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

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

20 “(F) facilitate family reunification or sup-
21 port services, as needed.

22 **“SEC. 3063. PRETRIAL CITATION AND RELEASE.**

23 “(a) AUTHORIZATION.—The Attorney General shall
24 carry out a grant program to make grants to eligible appli-
25 cants for the purposes set forth in section 3061(b)(2).

1 “(b) PROGRAM ELIGIBILITY.—Eligible applicants
2 under this section are States and units of local government
3 that implement or continue operation of a program de-
4 scribed in subsection (c)(1) and not fewer than 2 of the
5 other programs enumerated in such subsection.

6 “(c) USE OF GRANT FUNDS.—A grantee shall use
7 amounts provided under a grant under this section for
8 programs that provide for the following:

9 “(1) Adopting and operating a cite-and-release
10 process for individuals who are suspected of commit-
11 ting misdemeanor and felony offenses and who do
12 not pose a risk of serious, imminent injury to a rea-
13 sonably identifiable person.

14 “(2) Curtailing booking and in-facility proc-
15 essing for individuals who have committed technical
16 parole or probation violations.

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

21 “(4) Establishing early review of charges by an
22 experienced prosecutor, so only arrestees and detain-
23 ees who will be charged are detained.

24 “(5) Providing appropriate victims’ services
25 supports and safety-focused residential accommoda-

1 tions for victims and community members who have
2 questions or concerns about releases described in
3 this subsection.

4 **“SEC. 3064. REPORT.**

5 “Not later than 2 years after the date on which
6 grants are initially made under this part, the Attorney
7 General shall submit to Congress a report on grants under
8 this part, which shall include—

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

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

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

18 **“SEC. 3065. DEFINITION.**

19 “For purposes of this part:

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

22 “(2) **COVID-19.**—The term ‘COVID-19’
23 means a disease caused by severe acute respiratory
24 syndrome coronavirus 2 (SARS-CoV-2).

1 “(3) DETAINEE; ARRESTEE; INMATE.—The
2 terms ‘detainee’, ‘arrestee’, and ‘inmate’ each in-
3 clude juveniles.

4 **“SEC. 3066. AUTHORIZATION OF APPROPRIATIONS.**

5 “There is authorized to be appropriated
6 \$1,000,000,000 for each of fiscal years 2021 and 2022
7 to carry out sections 3062 and 3063.”.

○