H. R.____

To require States and units of local government to certify a commitment to release certain individuals from jails and prisons, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Ms. TLAIB introduced the following bill; which was referred to the Committee on ____________________

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A BILL

To require States and units of local government to certify a commitment to release certain individuals from jails and prisons, 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 “Dismantle Mass Incar-  
 5 ceration For Public Health Act of 2020”.
SEC. 2. REQUIREMENT FOR RELEASE OF CERTAIN INDIVIDUALS.

(a) In General.—In submitting an application for Federal funds under section 502 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10153), the chief executive of a State or unit of local government shall submit to the Attorney General a certification that not later than 10 days after the enactment of this Act, such State or unit of local government has released any person described from the custody of a correctional facility.

(b) Placement.—

(1) In General.—A person described released under subsection (a), may be placed on pretrial supervision, home confinement, or other supervision determined by the State or unit of local government to be appropriate.

(2) Payment of Fees.—A person described placed on pretrial supervision, home confinement, or other supervision determined by the State or unit of local government to be appropriate shall not be incarcerated for a violation of the conditions of such supervision or confinement pursuant to paragraph (1), unless such violation is the commission of a crime that causes bodily injury or uses violent force against another individual;.
(c) Applicability.—Subsection (a) shall apply to an application for Federal funds under section 502 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10153) beginning fiscal year 2021 and shall apply to such an application for each fiscal year until the fiscal year that is after the date—

(1) on which the President declares the end of the COVID-19 national emergency; and

(2) on which a Governor of a State declares the end of a state of emergency with respect to the coronavirus, if such state of emergency was declared by such Governor.

(d) Report.—

(1) In General.—On the date that is one month after the date that is 10 days after the date of the enactment of this Act, the chief executive of a State or unit of local government shall submit to the Attorney General a report including—

(A) a certification that each correctional facility in such State or unit of local government has released persons described;

(B) how many persons described have been released from each correctional facility, including the criteria met to qualify for release pursuant to section 4(5); and
(C) an estimate of the amount of sums not
expended by a State or unit of local government
to keep an a person described in a correctional
facility in such State or unit of local govern-
ment.

(2) PUBLICATION BY STATE AND LOCAL GOV-
ERNMENT.—Not later than seven days after the date
on which a report under paragraph (1) is submitted
to the Attorney General, a the chief executive of a
State or unit of local government shall publish on
the internet website of such State or unit of local
government the report under paragraph (1) and
shall provide meaningful access to such report for
individuals with limited English proficiency.

(3) PUBLICATION BY ATTORNEY GENERAL.—
Not later than seven days after the date on which
a report under paragraph (1) is submitted to the At-
torney General, the Attorney General shall publish
on the internet website of the Department of Justice
each report under paragraph (1) and shall provide
meaningful access to such reports to an individual
with limited English proficiency.

SEC. 3. CLEANING OF CORRECTIONAL FACILITIES.

In submitting an application for Federal funds under
section 502 of the Omnibus Crime Control and Safe
Streets Act of 1968 (34 U.S.C. 10153), the chief executive of a State or unit of local government shall submit to the Attorney General a certification that not later than 10 days after the enactment of this Act, such State or unit of local government has implemented recommendations released by the Centers for Disease Control and Prevention with respect to preventing the spread of the coronavirus, including—

(1) maintaining six feet distance between any individuals at any time;

(2) providing hand sanitizer and other cleaning disinfectants to each arrestee, detainee, or inmate who is in the custody of a correctional facility; and

(3) providing other protective equipment to each arrestee, detainee, or inmate who is in the custody of a correctional facility.

SEC. 4. DEFINITIONS.

In this Act:

(1) BENCH WARRANT.—The term “bench warrant” means a written order issued by a judge authorizing law enforcement to arrest an individual if such individual fails to appear in court or to pay fines and fees with respect to a charge against such individual.
(2) **CORRECTIONAL FACILITY.**—The term “correctional facility” includes a juvenile facility.

(3) **COVID-19 NATIONAL EMERGENCY.**—The term “COVID-19 national emergency” means the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) on March 13, 2020, with respect to the coronavirus.

(4) **MEDICALLY VULNERABLE.**—The term “medically vulnerable” includes an individual—

(A) diagnosed with a chronic lung disease;

(B) diagnosed with moderate or severe asthma;

(C) diagnosed with a serious heart condition;

(D) diagnosed with diabetes;

(E) diagnosed with a chronic kidney disease and undergoing dialysis;

(F) diagnosed with liver disease;

(G) diagnosed with cancer;

(H) diagnosed with obesity; or

(I) who is immunocompromised.

(5) **PERSONS DESCRIBED.**—The term “persons described” means an arrestee, detainee, or inmate who is in the custody of a correctional facility—
(A) solely because such individual is awaiting trial;

(B) as a result of a technical violation;

(C) as a result of a bench warrant;

(D) following a conviction with respect to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(E) pursuant to an immigration detainer issued by the Secretary of Homeland Security;

(F) following a conviction of a misdemeanor offense;

(G) following a conviction for a status offense;

(H) who is terminally ill, mentally ill, or disabled, as determined by a medical professional;

(I) who is medically vulnerable;

(J) who is determined by a deciding body or review board of such correctional facility to be unlikely to pose a substantial risk of causing bodily injury or using violent force against another individual;

(K) who is over the age of 55 years old;

(L) who is—
(i) incarcerated in a prison and will complete their sentence within 18 months of the date of the enactment of this Act; or

(ii) incarcerated in a jail and will complete their sentence within 180 days of the date of the enactment of this Act;

(M) who is a primary caregiver; or

(N) who is pregnant.

(6) PRIMARY CAREGIVER.—The term “primary caregiver” means an individual who has the responsibility for the care of another individual, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law and includes a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) compensated or uncompensated care to another individual.

(7) STATUS OFFENSE.—The term “status offense” means an offense that is criminal if committed by an individual who is under the age of 18 years old, but such offense would not be criminal if committed by an individual who is 18 years or older.

(8) TECHNICAL VIOLATION.—The term “technical violation” includes a violation of court-ordered
supervision, release-ordered supervision, or parole, including—

(A) failing to report for a scheduled office visit;

(B) violating a curfew;

(C) lack of employment or attendance at school; or

(D) testing positive for drug or alcohol use.