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(Original Signature of Member)

116TH CONGRESS
2D SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

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

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”.

1 **SEC. 2. REQUIREMENT FOR RELEASE OF CERTAIN INDIVID-**
2 **UALS.**

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

12 (b) PLACEMENT.—

13 (1) IN GENERAL.—A person described released
14 under subsection (a), may be placed on pretrial su-
15 pervision, home confinement, or other supervision
16 determined by the State or unit of local government
17 to be appropriate.

18 (2) PAYMENT OF FEES.—A person described
19 placed on pretrial supervision, home confinement, or
20 other supervision determined by the State or unit of
21 local government to be appropriate shall not be in-
22 carcerated for a violation of the conditions of such
23 supervision or confinement pursuant to paragraph
24 (1), unless such violation is the commission of a
25 crime that causes bodily injury or uses violent force
26 against another individual;

1 (c) APPLICABILITY.—Subsection (a) shall apply to an
2 application for Federal funds under section 502 of the
3 Omnibus Crime Control and Safe Streets Act of 1968 (34
4 U.S.C. 10153) beginning fiscal year 2021 and shall apply
5 to such an application for each fiscal year until the fiscal
6 year that is after the date—

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

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

13 (d) REPORT.—

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

19 (A) a certification that each correctional
20 facility in such State or unit of local govern-
21 ment has released persons described;

22 (B) how many persons described have been
23 released from each correctional facility, includ-
24 ing the criteria met to qualify for release pursu-
25 ant to section 4(5); and

1 (C) an estimate of the amount of sums not
2 expended by a State or unit of local government
3 to keep an a person described in a correctional
4 facility in such State or unit of local govern-
5 ment.

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

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

23 **SEC. 3. CLEANING OF CORRECTIONAL FACILITIES.**

24 In submitting an application for Federal funds under
25 section 502 of the Omnibus Crime Control and Safe

1 Streets Act of 1968 (34 U.S.C. 10153), the chief executive
2 of a State or unit of local government shall submit to the
3 Attorney General a certification that not later than 10
4 days after the enactment of this Act, such State or unit
5 of local government has implemented recommendations re-
6 leased by the Centers for Disease Control and Prevention
7 with respect to preventing the spread of the coronavirus,
8 including—

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

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

14 (3) providing other protective equipment to
15 each arrestee, detainee, or inmate who is in the cus-
16 tody of a correctional facility.

17 **SEC. 4. DEFINITIONS.**

18 In this Act:

19 (1) BENCH WARRANT.—The term “bench war-
20 rant” means a written order issued by a judge au-
21 thorizing law enforcement to arrest an individual if
22 such individual fails to appear in court or to pay
23 fines and fees with respect to a charge against such
24 individual.

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

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

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

11 (A) diagnosed with a chronic lung disease;

12 (B) diagnosed with moderate or severe
13 asthma;

14 (C) diagnosed with a serious heart condi-
15 tion;

16 (D) diagnosed with diabetes;

17 (E) diagnosed with a chronic kidney dis-
18 ease and undergoing dialysis;

19 (F) diagnosed with liver disease;

20 (G) diagnosed with cancer;

21 (H) diagnosed with obesity; or

22 (I) who is immunocompromised.

23 (5) PERSONS DESCRIBED.—The term “persons
24 described” means an arrestee, detainee, or inmate
25 who is in the custody of a correctional facility—

1 (A) solely because such individual is await-
2 ing trial;

3 (B) as a result of a technical violation;

4 (C) as a result of a bench warrant;

5 (D) following a conviction with respect to
6 a controlled substance (as defined in section
7 102 of the Controlled Substances Act (21
8 U.S.C. 802));

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

11 (F) following a conviction of a mis-
12 demeanor offense;

13 (G) following a conviction for a status of-
14 fense;

15 (H) who is terminally ill, mentally ill, or
16 disabled, as determined by a medical profes-
17 sional;

18 (I) who is medically vulnerable;

19 (J) who is determined by a deciding body
20 or review board of such correctional facility to
21 be unlikely to pose a substantial risk of causing
22 bodily injury or using violent force against an-
23 other individual;

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

25 (L) who is—

1 (i) incarcerated in a prison and will
2 complete their sentence within 18 months
3 of the date of the enactment of this Act;
4 or

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

8 (M) who is a primary caregiver; or

9 (N) who is pregnant.

10 (6) PRIMARY CAREGIVER.—The term “primary
11 caregiver” means an individual who has the respon-
12 sibility for the care of another individual, either vol-
13 untarily, by contract, by receipt of payment for care,
14 or as a result of the operation of law and includes
15 a family member or other individual who provides
16 (on behalf of such individual or of a public or private
17 agency, organization, or institution) compensated or
18 uncompensated care to another individual.

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

24 (8) TECHNICAL VIOLATION.—The term “tech-
25 nical violation” includes a violation of court-ordered

1 supervision, release-ordered supervision, or parole,
2 including—

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

5 (B) violating a curfew;

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

8 (D) testing positive for drug or alcohol use.