

107TH CONGRESS
1ST SESSION

H. R. 362

To ensure that law enforcement agencies determine, before the release or transfer of a person, whether that person has an outstanding charge or warrant, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2001

Ms. MCCARTHY of Missouri (for herself, Mr. SKELTON, Mr. MOORE, Mr. LANTOS, and Mr. GRAVES) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To ensure that law enforcement agencies determine, before the release or transfer of a person, whether that person has an outstanding charge or warrant, 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 “Justice through As-
5 sured Knowledge and Enforcement Act”.

1 **SEC. 2. PRE-RELEASE RECORDS CHECKS.**

2 (a) IN GENERAL.—The Attorney General shall estab-
3 lish guidelines for pre-release records check programs car-
4 ried out by States.

5 (b) REQUIRED ELEMENTS.—A pre-release records
6 check program established under this section shall contain
7 the following elements:

8 (1) CHECK BEFORE EACH RELEASE OR TRANS-
9 FER.—A law enforcement agency shall not release a
10 person from custody, or transfer a person in custody
11 to the custody of another such agency, unless that
12 agency first carries out a pre-release records check
13 on that person.

14 (2) NOTIFICATIONS.—If that check indicates an
15 unresolved warrant or charge, that agency shall not
16 release or transfer that person unless that agency
17 first—

18 (A) provides notice that the person is in
19 custody to the law enforcement agency initi-
20 ating that warrant or charge, and provides that
21 agency with a reasonable opportunity to resolve
22 that warrant or charge; and

23 (B) provides notice of that warrant or
24 charge to the law enforcement agency to which
25 the person is to be transferred, if applicable.

1 (3) PENALTIES.—If an official is responsible
2 for a violation of a requirement of this subsection,
3 that official shall be subject to administrative dis-
4 cipline by that agency.

5 (c) COMPLIANCE.—

6 (1) COMPLIANCE DATE.—Each State shall have
7 not more than 3 years from the date of enactment
8 of this Act in which to implement this section, ex-
9 cept that the Attorney General may grant an addi-
10 tional 2 years to a State that is making good faith
11 efforts to implement this section.

12 (2) INELIGIBILITY FOR FUNDS.—

13 (A) A State that fails to implement the
14 program as described in this section shall not
15 receive 10 percent of the funds that would oth-
16 erwise be allocated to the State under section
17 506 of the Omnibus Crime Control and Safe
18 Streets Act of 1968 (42 U.S.C. 3765).

19 (B) Any funds that are not allocated for
20 failure to comply with this section shall be re-
21 allocated to States that comply with this sec-
22 tion.

23 (d) DEFINITIONS.—For purposes of this Act:

24 (1) The term “pre-release records check”
25 means an inquiry to determine whether an unre-

1 solved warrant or charge is indicated in criminal his-
2 tory records databases prescribed by the Attorney
3 General in accordance with subsection (a), which
4 may include—

5 (A) the database of the National Crime In-
6 formation Center of the Department of Justice,
7 or any comparable Federal database; and

8 (B) any comparable database maintained
9 by the State, or in which the State participates.

10 (2) The term “law enforcement agency” in-
11 cludes jails and correctional institutions.

12 (3) The term “custody” includes detention on
13 suspicion of charges and incarceration.

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