H. R. 4833

To require that States release persons charged with a misdemeanor on non-monetary conditions only prior to court adjudication.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 18, 2018

Mr. DANNY K. DAVIS of Illinois (for himself, Ms. JACKSON LEE, Mr. EVANS, Mr. RUSH, Ms. KELLY of Illinois, Mr. SCOTT of Virginia, Ms. MOORE, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. SELLWELL of Alabama) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require that States release persons charged with a misdemeanor on non-monetary conditions only prior to court adjudication.

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 “Bail Fairness Act of
5 2018”.
SEC. 2. NO MONETARY CONDITIONS OF RELEASE TO BE APPLIED TO PERSONS CHARGED WITH MISDEMEANORS.

(a) REQUIREMENT REGARDING STATE LAW.—For each fiscal year after the expiration of the period specified in subsection (b)(1) in which a State receives funds for a program referred to in subsection (b)(2), the law of that State shall conform to the following:

(1) BAIL FOR MISDEMEANORS.—The law of that State may not provide for monetary conditions of release from custody of a person if that person has not previously been convicted for a criminal offense and is held in custody by reason of having been arrested for the commission of a misdemeanor that is not a crime of violence (as such term is defined in section 16 of title 18, United States Code).

(2) PRE-TRIAL DIVERSION.—The law of that State shall provide for a program under which any criminal charges filed against an offender described in paragraph (1) may be dismissed if—

(A) the offender qualifies for and satisfactorily completes a State-authorized mental health diversion program;

(B) the offender qualifies for and satisfactorily completes a State-authorized drug/alcohol abuse diversion program;
(C) the offender qualifies for and satisfac-
torily completes a State-authorized community
service diversion program; or

(D) the offender qualifies for and satisfac-
torily completes any other State-authorized di-
version program that is appropriate to the age
of the offender and the offense charged.

(b) COMPLIANCE AND INELIGIBILITY.—

(1) COMPLIANCE DATE.—Each State shall have
not more than 120 days, beginning on the date of
enactment of this Act, to comply with subsection (a),
except that—

(A) the Attorney General may grant an ad-
ditional 120 days to a State that is making
good faith efforts to comply with such sub-
section; and

(B) the Attorney General shall waive the
requirements of subsection (a) if compliance
with such subsection by a State would be un-
constitutional under the constitution of such
State.

(2) INELIGIBILITY FOR FUNDS.—For any fiscal
year after the expiration of the period specified in
paragraph (1), a State that fails to comply with sub-
section (a), shall be subject to not more than a 20-
percent reduction of the funds that would otherwise
be allocated for that fiscal year to the State under
subpart 1 of part E of title I of the Omnibus Crime
Control and Safe Streets Act of 1968 (42 U.S.C.
3750 et seq.), whether characterized as the Edward
Byrne Memorial State and Local Law Enforcement
Assistance Programs, the Local Government Law
Enforcement Block Grants Program, the Edward
Byrne Memorial Justice Assistance Grant Program,
or otherwise.

(c) REALLOCATION.—Amounts not allocated under a
program referred to in subsection (b)(2) to a State for
failure to fully comply with subsection (a) shall be reallo-
cated under that program to States that have not failed
to comply with such subsection.

SEC. 3. DEPARTMENT OF JUSTICE REVIEW OF RESEARCH
RELATED TO BAIL REFORM AND PRETRIAL
RELEASE PROGRAMS.

(a) IN GENERAL.—The Attorney General shall review
research and the results of studies which have been com-
pleted as of the date of the enactment of this Act related
to bail reform and pretrial release programs in order to
determine best practices, and shall make such best prac-
tices publicly available.
(b) PREVENTING WASTE.—Not later than 180 days after completing the review under subsection (a), the Attorney General shall publish guidelines for States related to reducing and preventing the waste of Federal resources in connection with bail reform and pretrial release programs.