

116TH CONGRESS
1ST SESSION

H. R. 2233

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2019

Mr. DANNY K. DAVIS of Illinois (for himself and Mr. EVANS) 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 2019”.

1 **SEC. 2. NO MONETARY CONDITIONS OF RELEASE TO BE AP-**
2 **PLIED TO PERSONS CHARGED WITH MIS-**
3 **DEMEANORS.**

4 Section 501 of title I of the Omnibus Crime Control
5 and Safe Streets Act of 1968 (34 U.S.C. 10152) is amend-
6 ed—

7 (1) in subsection (a)(1), by adding at the end
8 the following:

9 “(I) Bail fairness programs.”; and

10 (2) by adding at the end the following:

11 “(h) DEFINITION.—For purposes of this section, the
12 term ‘bail fairness program’ means a program under the
13 law of a State that complies with the following:

14 “(1) BAIL FOR MISDEMEANORS.—Monetary
15 conditions of release from custody of a person may
16 not be imposed if that person is held in custody by
17 reason of having been arrested for the commission of
18 a misdemeanor.

19 “(2) PRE-TRIAL DIVERSION.—Any criminal
20 charges filed against an offender described in para-
21 graph (1) may be dismissed if—

22 “(A) the offender qualifies for and satis-
23 factorily completes a State-authorized mental
24 health diversion program;

1 “(B) the offender qualifies for and satis-
2 factorily completes a State-authorized drug/al-
3 cohol abuse diversion program;

4 “(C) the offender qualifies for and satis-
5 factorily completes a State-authorized commu-
6 nity service diversion program; or

7 “(D) the offender qualifies for and satis-
8 factorily completes any other State-authorized
9 diversion program that is appropriate to the age
10 of the offender and the offense charged.”.

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

14 (a) **IN GENERAL.**—The Attorney General shall review
15 research and the results of studies which have been com-
16 pleted as of the date of the enactment of this Act related
17 to bail reform and pretrial release programs in order to
18 determine best practices, and shall make such best prac-
19 tices publicly available.

20 (b) **PREVENTING WASTE.**—Not later than 180 days
21 after completing the review under subsection (a), the At-
22 torney General shall publish guidelines for States related
23 to reducing and preventing the waste of Federal resources

1 in connection with bail reform and pretrial release pro-
2 grams.

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