

118TH CONGRESS
1ST SESSION

S. 281

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to direct certain prosecutor’s offices to annually report to the Attorney General, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2023

Mr. KENNEDY (for himself, Mr. CRUZ, Mr. THUNE, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to direct certain prosecutor’s offices to annually report to the Attorney General, 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 “Prosecutors Need to
5 Prosecute Act of 2023”.

1 **SEC. 2. DISTRICT ATTORNEY AND PROSECUTOR REPORTS.**

2 Section 501 of title I of the Omnibus Crime Control
3 and Safe Streets Act of 1968 (34 U.S.C. 10151) is amend-
4 ed—

5 (1) by redesignating subsections (g) and (h) as
6 subsections (h) and (i), respectively; and

7 (2) by inserting after subsection (f) the fol-
8 lowing:

9 “(f) DISTRICT ATTORNEY REPORTING REQUIRE-
10 MENTS.—

11 “(1) DEFINITIONS.—In this subsection:

12 “(A) COVERED OFFENSE.—The term ‘cov-
13 ered offense’ means any of the following:

14 “(i) Murder or non-negligent man-
15 slaughter.

16 “(ii) Forcible rape.

17 “(iii) Robbery.

18 “(iv) Aggravated assault.

19 “(v) Burglary.

20 “(vi) Larceny.

21 “(vii) Motor vehicle theft.

22 “(viii) Arson.

23 “(ix) Any offense involving the illegal
24 use of a firearm.

25 “(x) Any offense involving the illegal
26 possession of a firearm.

1 “(B) COVERED PROSECUTOR.—The term
2 ‘covered prosecutor’ means the chief executive
3 of a district attorney or prosecutor’s office that
4 serves a local government—

5 “(i) the population of the jurisdiction
6 of which is not less than 360,000 individ-
7 uals; and

8 “(ii) that receives funds under this
9 part.

10 “(2) REPORTING REQUIREMENT.—Not later
11 than 1 year after the date of enactment of the Pros-
12 ecutors Need to Prosecute Act of 2023, and annu-
13 ally thereafter, a covered prosecutor shall submit to
14 the Attorney General a report that contains, for the
15 previous fiscal year, the following:

16 “(A) The total number of cases referred to
17 the covered prosecutor for prosecution of a cov-
18 ered offense.

19 “(B) The number of cases involving a cov-
20 ered offense—

21 “(i) that the covered prosecutor de-
22 clined to prosecute or refer for diversion;
23 or

24 “(ii) for which the covered prosecutor
25 declines to reach a plea agreement.

1 “(C) For cases involving a covered offense
2 that result in a plea agreement or referral for
3 diversion reached with the defendant, the num-
4 ber of cases for which the defendant—

5 “(i) was previously arrested for a cov-
6 ered offense arising out of a separate con-
7 viction;

8 “(ii) was previously convicted for a
9 covered offense arising out of a separate
10 conviction;

11 “(iii) with an open case involving a
12 covered offense arising out of separate con-
13 viction;

14 “(iv) serving a term of probation for
15 a conviction for a covered offense arising
16 out of separate conduct; and

17 “(v) was released on parole for a con-
18 viction for a covered offense arising out of
19 separate conduct.

20 “(D) The number of covered offenses that
21 the covered prosecutor does not prosecute as a
22 result of an internal policy against prosecuting
23 specific criminal offenses including—

24 “(i) each covered offense captured in
25 the internal policy; and

1 “(ii) each criminal offense that is not
2 captured in the internal policy.

3 “(3) COMPLIANCE.—With respect to a covered
4 prosecutor that complies with the requirement under
5 paragraph (2)—

6 “(A) the Attorney General shall give pri-
7 ority in disbursing funds under this part to the
8 local government served by the covered pros-
9 ecutor; and

10 “(B) the local government described in
11 subparagraph (A) shall ensure that the covered
12 prosecutor receives a portion of the funds re-
13 ceived under this part.

14 “(4) UNIFORM STANDARDS.—The Attorney
15 General shall establish uniform standards for the re-
16 porting of the information required under this sub-
17 section, including the form such reports shall take
18 and the process by which such reports shall be
19 shared with the Attorney General.

20 “(5) SUBMISSION TO JUDICIARY COMMIT-
21 TEES.—The Attorney General shall—

22 “(A) submit the information received
23 under this subsection to the Committee on the
24 Judiciary of the Senate and the Committee on

1 the Judiciary of the House of Representatives;
2 and

3 “(B) publish such information on a pub-
4 licly viewable website.”.

5 **SEC. 3. BYRNE-JAG FUNDS AND ELIMINATION OF CASH**
6 **BAIL.**

7 The Attorney General shall not distribute amounts
8 under subpart I of part E of title 1 of the Omnibus Crime
9 Control and Safe Streets Act of 1968 (34 U.S.C. 10151
10 et seq.) to a State or local government that has in effect
11 a policy that prohibits the use of cash bail for a defendant
12 in a case involving the illegal use or illegal possession of
13 a firearm.

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