

.....
(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To establish certain conditions on receipt of Byrne grant funding related to minimum bail standards and public safety reporting, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. FITZGERALD introduced the following bill; which was referred to the Committee on _____

A BILL

To establish certain conditions on receipt of Byrne grant funding related to minimum bail standards and public safety reporting, 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 “Keeping Violent Of-
5 fenders Off Our Streets Act”.

1 **SEC. 2. MINIMUM BAIL STANDARDS CONDITION FOR RE-**
2 **CEIPT OF BYRNE GRANT FUNDING.**

3 Beginning in the first fiscal year that begins after
4 the date that is 3 years after the date of enactment of
5 this Act, the Attorney General shall reduce by 75 percent
6 the amount that a State or unit of local government would
7 otherwise receive under the Byrne grant program under
8 subpart 1 of part E of title I of the Omnibus Crime Con-
9 trol and Safe Streets Act of 1968 (34 U.S.C. 10151 et
10 seq.), in the case of a State or unit of local government
11 that does not have in effect a policy that requires the con-
12 sideration of the pretrial release factors described in sec-
13 tion 3142(g) of title 18, United States Code, at minimum,
14 to determine whether there are conditions of release that
15 will reasonably assure the appearance of a person as re-
16 quired and the safety of any other person and the commu-
17 nity.

18 **SEC. 3. PUBLIC SAFETY REPORT SYSTEM CONDITION FOR**
19 **RECEIPT OF BYRNE GRANT FUNDING.**

20 Beginning in the first fiscal year that begins after
21 the date that is 3 years after the date of enactment of
22 this Act, the Attorney General shall reduce by 75 percent
23 the amount that State or Indian Tribe would a State or
24 Indian Tribe otherwise receive under the Byrne grant pro-
25 gram under subpart 1 of part E of title I of the Omnibus
26 Crime Control and Safe Streets Act of 1968 (34 U.S.C.

1 10151 et seq.), in the case of State or Indian Tribe that
2 does not have in effect a public safety report system devel-
3 oped and maintained by the State or Tribal Court Admin-
4 istration, which system shall provide judges and prosecu-
5 tors in the jurisdiction, at no cost, a public safety report
6 for each defendant charged with an offense described in
7 paragraph (1), which contains the following:

8 (1) The criteria for setting bail for an indi-
9 vidual charged with—

10 (A) murder, manslaughter (except involun-
11 tary manslaughter), or attempted murder;

12 (B) rape, attempted rape, or any other fel-
13 ony sexual abuse offense or attempt to commit
14 such an offense;

15 (C) any felony assault offense;

16 (D) kidnapping;

17 (E) robbery;

18 (F) a felony offense involving resisting or
19 obstructing an officer;

20 (G) carjacking;

21 (H) unlawful possession of a firearm in the
22 commission of a felony; or

23 (I) any other violent felony.

24 (2) Identifying information regarding each de-
25 fendant charged with an offense described in para-

1 graph (1), the case filed against the defendant, and
2 the offense with which the defendant is charged.

3 (3) Information on the eligibility of each such
4 defendant for a personal bond.

5 (4) Information regarding the applicability of
6 any required or discretionary bond conditions for
7 each such defendant.

8 (5) A summary of the criminal history of the
9 defendant, including information regarding any—

10 (A) previous misdemeanor or felony convic-
11 tion;

12 (B) pending charges;

13 (C) previous sentence imposing a term of
14 imprisonment;

15 (D) previous conviction or pending charges
16 for any offense described in paragraph (1); and

17 (E) previous failure of the defendant to ap-
18 pear in court following release on bail.

19 **SEC. 4. PUBLIC SAFETY REPORT USE AND SUBMISSION**
20 **CONDITION FOR RECEIPT OF BYRNE GRANT**
21 **FUNDING.**

22 Beginning in the first fiscal year that begins after
23 the date that is 3 years after the date of enactment of
24 this Act, the Attorney General shall reduce by 75 percent
25 the amount that State or Indian Tribe would a State or

1 Indian Tribe otherwise receive under the Byrne grant pro-
2 gram under subpart 1 of part E of title I of the Omnibus
3 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
4 10151 et seq.), in the case of State or Indian Tribe that
5 does not—

6 (1) have in effect a law or policy providing that
7 in the case of a State or Tribal court in that jurisdic-
8 tion that is considering the release on bail of a
9 defendant charged with an offense described in para-
10 graph (1) of section 3—

11 (A) the prosecutor shall use the public
12 safety report system developed under section 3
13 to prepare a public safety report with respect to
14 the defendant;

15 (B) the prosecutor shall provide the public
16 safety report prepared under subparagraph (A)
17 to the State or Tribal court as soon as prac-
18 ticable, but not later than 48 hours after the
19 defendant's arrest; and

20 (C) the court shall consider the public safe-
21 ty report before setting bail; and

22 (2) submit each public safety report prepared
23 under paragraph (1)(A) to the National Crime In-
24 formation Center.

1 **SEC. 5. FRAUD IN CONNECTION WITH POSTING BAIL.**

2 Section 1033(f)(1)(A) of title 18, United States Code,
3 is amended by inserting before the comma the following:
4 “(including the posting of monetary bail, criminal bail
5 bonds, and Federal immigration bail bonds)”.