

117TH CONGRESS
2D SESSION

S. 5152

To foster transparent crime data, to discourage no-cash bail, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30 (legislative day, NOVEMBER 29), 2022

Mr. MARSHALL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To foster transparent crime data, to discourage no-cash bail, 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 “Concerned Citizens Bill
5 of Rights Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “covered grant” means—

1 (A) a grant awarded under section 1701 of
2 title I of the Omnibus Crime Control and Safe
3 Streets Act of 1968 (34 U.S.C. 10381); and

4 (B) a grant awarded under subpart 1 of
5 part E of title I of the Omnibus Crime Control
6 and Safe Streets Act of 1968 (34 U.S.C. 10151
7 et seq.);

8 (2) the term “criminal courts”—

9 (A) means any court of a State or unit of
10 local government having jurisdiction over crimi-
11 nal matters; and

12 (B) includes the judicial officers serving in
13 a court described in subparagraph (A), includ-
14 ing judges, magistrate judges, commissioners,
15 justices of the peace, or any other person with
16 decision-making authority;

17 (3) the term “jail” means any confinement fa-
18 cility of a State or unit of local government, whether
19 administered by such government or by a private or-
20 ganization on behalf of such government;

21 (4) the term “money bail” means any condition
22 of release from confinement that imposes a financial
23 burden on the person released;

24 (5) the term “prosecution office” means any
25 public agency charged with direct responsibility for

1 prosecuting criminal offenders, including any compo-
2 nent bureau of such an agency; and

3 (6) the terms “State” and “unit of local gov-
4 ernment” have the meanings given such terms in
5 section 901(a) of title I of the Omnibus Crime Con-
6 trol and Safe Streets Act of 1968 (34 U.S.C.
7 10251(a)).

8 **SEC. 3. CRIME WAVE TRANSPARENCY.**

9 (a) IN GENERAL.—Each State or unit of local gov-
10 ernment shall—

11 (1) fully and accurately report information re-
12 quired by the National Incident-Based Reporting
13 System of the Federal Bureau of Investigation;

14 (2) not later than 30 days after the date of en-
15 actment of this Act, and at the end of each fiscal
16 year thereafter, submit to the Attorney General a re-
17 port describing—

18 (A) any law, rule, policy, or practice in ef-
19 fect in the jurisdiction of the State or unit of
20 local government which requires or results in
21 the nonenforcement of any criminal offenses
22 within such jurisdiction;

23 (B) any law, rule, policy, or practice in ef-
24 fect in the jurisdiction of the State or unit of
25 local government which requires or results in

1 the nonprosecution of any criminal offenses
2 within such jurisdiction;

3 (C) any law, rule, policy, or practice in ef-
4 fect in the jurisdiction of the State or unit of
5 local government which has the effect of with-
6 drawing law enforcement protection from a geo-
7 graphical area or structure that law enforce-
8 ment officers are lawfully entitled to access;

9 (D) the number of criminal offenses de-
10 clined to be prosecuted, disaggregated by each
11 criminal offense;

12 (E) average sentences for filed criminal
13 charges which resulted in punishment,
14 disaggregated by length of sentence issued after
15 a plea of guilty or plea of nolo contendere,
16 length of sentence issued after guilt was deter-
17 mined by trial, and obligations placed on a de-
18 fendant as a result of pretrial diversion; and

19 (F) the average sentences imposed for each
20 crime within the jurisdiction of the State or
21 unit of local government, and the average sen-
22 tences actually served, disaggregated by each
23 criminal offense;

24 (3) not later than 30 days after the date of en-
25 actment of this Act, and at the end of each fiscal

1 year thereafter, submit to the Attorney General a re-
2 port describing efforts to reduce crime within the ju-
3 risdiction of the State or unit of local government,
4 which shall include a discussion of—

5 (A) ongoing strategies to reduce the num-
6 ber of criminal offenses committed within the
7 jurisdiction of the State or unit of local govern-
8 ment;

9 (B) ongoing efforts to hire and retain law
10 enforcement officers;

11 (C) ongoing strategies to combat anti-po-
12 lice sentiment;

13 (D) ongoing strategies to prevent repeat
14 offenses by violent offenders; and

15 (E) ongoing strategies to increase prosecu-
16 tion of crime within its jurisdiction; and

17 (4) not later than 30 days after the date of en-
18 actment of this Act, and at the end of each fiscal
19 year thereafter, submit to the Attorney General a re-
20 port describing the criminal offenses committed by
21 persons who have been released from jail on pretrial
22 release, which shall include crime data, in compli-
23 ance with the requirements of the National Incident-
24 Based Reporting System, for individuals who have
25 been released from jail on pretrial release that have

1 been arrested or charged with a felony or violent
2 misdemeanor committed after pretrial release.

3 (b) ENFORCEMENT THROUGH REDUCTION IN GRANT
4 FUNDS.—For any fiscal year beginning on or after the
5 date of enactment of this Act, a State or unit of local gov-
6 ernment that fails to comply with subsection (a) shall be
7 subject to a 20-percent reduction in the amount that
8 would otherwise be made available to the State or unit
9 of local government under covered grants.

10 (c) USE OF AMOUNTS.—Amounts not allocated to a
11 State or unit of local government under a covered grant
12 under subsection (b) for failure to fully comply with sub-
13 section (a) shall be reallocated under the applicable cov-
14 ered grant program to States or units of local government
15 that have not failed to comply with subsection (a).

16 (d) REPORT.—Not later than 30 days after the date
17 of enactment of this Act, and at the end of each fiscal
18 year thereafter, the Attorney General shall publish a re-
19 port listing each State or unit of local government that
20 is not in compliance with subsection (a).

21 (e) ONLINE INFORMATION.—The Attorney General
22 shall maintain a public website on which each report re-
23 quired under subsection (a) or (d) may be accessed in an
24 electronically searchable format.

1 (f) MONITORING.—In order to ensure that the re-
2 ports required under subsection (a) are true and correct,
3 the Attorney General shall monitor and assess the accu-
4 racy of the reports required under section (a), which shall
5 include conducting audits.

6 **SEC. 4. CRIME IDENTIFICATION TECHNOLOGY ACT OF 1998.**

7 Section 102(b) of the Crime Identification Tech-
8 nology Act of 1998 (34 U.S.C. 40301(b)) is amended—

9 (1) by redesignating paragraphs (1) through
10 (18) as subparagraphs (A) through (R), respectively,
11 and by moving such subparagraphs 2 ems to the
12 right;

13 (2) in the matter preceding subparagraph (A),
14 as so redesignated, by striking “may be used for
15 programs” and all that follows and inserting “may
16 be used—

17 “(1) for programs to establish, develop, update,
18 or upgrade—”;

19 (3) in paragraph (1)(R), as so designated, by
20 striking the period at the end and inserting “; and”;
21 and

22 (4) by adding at the end the following:

23 “(2) to assist units of local government that
24 have a population of less than 150,000 in complying

1 with the reporting requirements under section 3(a)
2 of the Concerned Citizens Bill of Rights Act.”.

3 **SEC. 5. DEFUNDING NO CASH BAIL.**

4 (a) IN GENERAL.—In order to be eligible to receive
5 any amounts under a covered grant, a State or unit of
6 local government shall, not later than 30 days after the
7 date of enactment of this Act, and at the end of each fiscal
8 year thereafter, submit to the Attorney General a certifi-
9 cation that—

10 (1) the State or unit of local government does
11 not have in effect a law, rule, policy, or practice that
12 prohibits criminal courts from—

13 (A) imposing money bail for any felony or
14 any violent misdemeanor offense; or

15 (B) taking the criminal history and dan-
16 gerousness of the defendant into account when
17 setting money bail for any felony or violent mis-
18 demeanor offense; and

19 (2) prosecution office of the State or unit of
20 local government does not have in effect a law, rule,
21 policy, or practice of prohibiting the imposition of
22 money bail for any felony or violent misdemeanor of-
23 fense.

24 (b) USE OF AMOUNTS.—Amounts not allocated to a
25 State or unit of local government under a covered grant

1 for failure to fully comply with subsection (a) shall be re-
2 allocated under the applicable covered grant program to
3 States or units of local government that have not failed
4 to comply with subsection (a).

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