

117TH CONGRESS
2D SESSION

S. 3935

To require the Director of the Bureau of Justice Statistics to submit to Congress a report relating to individuals granted bail and pretrial release in State courts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 28, 2022

Mr. JOHNSON (for himself, Mr. CRUZ, Mr. THUNE, Mr. SCOTT of Florida, and Mr. HAWLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require the Director of the Bureau of Justice Statistics to submit to Congress a report relating to individuals granted bail and pretrial release in State courts, 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 “Pretrial Release Re-

5 porting Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Multiple jurisdictions across the United
2 States—

3 (A) broke annual homicide records in
4 2021; and

5 (B) have reported individuals committing
6 violent felony offenses after being granted bail
7 or pretrial release.

8 (2) The failure of felony defendants to appear
9 for mandatory court appearances and felony bail
10 jumping has increased in multiple jurisdictions
11 across the United States.

12 (3) The most recent report issued by the Bu-
13 reau of Justice Statistics relating to the pretrial re-
14 lease of felony defendants in State courts is from
15 2007.

16 (4) The National Pretrial Reporting Program
17 of the Bureau of Justice Statistics was created to
18 collect information on criminal justice processing of
19 individuals charged with felony offenses in State
20 courts, with particular attention given to pretrial re-
21 lease and detention.

22 (5) In 2020, the National Pretrial Reporting
23 Program of the Bureau of Justice Statistics awarded
24 a grant of \$2,000,000 to collect information relating

1 to individuals charged with felony offenses and re-
2 leased from criminal pretrial detention.

3 (6) Neither the National Pretrial Reporting
4 Program of the Bureau of Justice Statistics nor the
5 Bureau of Justice Statistics has published any infor-
6 mation relating to the pretrial release of felony de-
7 fendants in State courts since the 2020 grant award.

8 **SEC. 3. REPORT.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of enactment of this Act, the Director of Bureau of
11 Justice Statistics shall submit to Congress a report on in-
12 formation relating to individuals granted bail and pretrial
13 release from State courts that are charged with 1 or more
14 of the following violent felony offenses:

15 (1) Murder or attempted murder.

16 (2) Manslaughter, other than involuntary man-
17 slaughter.

18 (3) Rape or attempted rape.

19 (4) Assault with the intent to commit murder.

20 (5) Assault with the intent to commit rape.

21 (6) Aggravated sexual abuse, sexual abuse, at-
22 tempted sexual abuse, or abusive sexual conduct.

23 (7) Battery or aggravated battery.

24 (8) Kidnapping.

25 (9) Robbery.

1 (10) Resisting or obstructing an officer.

2 (11) Carjacking.

3 (12) Recklessly endangering safety.

4 (13) Illegal possession of a firearm in the com-
5 mission of a felony.

6 (14) Any other violent felony offense tracked by
7 the jurisdiction in which the offense is committed.

8 (b) CONTENTS.—The report submitted under sub-
9 section (a) shall include—

10 (1) the number of individuals granted bail or
11 pretrial release from State courts that are charged
12 with an offense described in subsection (a);

13 (2) the number of individuals who, after being
14 granted bail or pretrial release, are rearrested or
15 charged with an additional violent felony offense;

16 (3) the percentage of individuals granted bail or
17 pretrial release from State courts who—

18 (A) are charged with a violent felony of-
19 fense; and

20 (B) have a prior arrest or conviction for a
21 violent felony offense;

22 (4) with respect to the pretrial releases de-
23 scribed in paragraph (2) for which the pretrial re-
24 lease condition was bail, the amount of bail granted
25 for each individual;

1 (5) the number of missed mandatory court ap-
2 pearances by individuals charged with a violent fel-
3 ony offense;

4 (6) the factors used by State courts for assess-
5 ing whether to grant bail or pretrial release to indi-
6 viduals who have prior arrests or prior felony convic-
7 tions for a violent felony offense;

8 (7) with respect to individuals who have com-
9 mitted a violent felony offense after being granted
10 bail or pretrial release, the classification of the vio-
11 lent felony offenses;

12 (8) the status, as of the date of enactment of
13 this Act, of the National Pretrial Reporting Program
14 of the Bureau of Justice Statistics and the activities
15 of that Program; and

16 (9) an accounting for each fiscal year of the
17 amounts that the Department of Justice has spent,
18 or transferred to components of the Department of
19 Justice, in order to collect information on bail and
20 pretrial release in State courts including, with re-
21 spect to any grants or contracts awarded for that
22 purpose, the amount and the purpose of the grant
23 or contract.

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