

#H.R. XXX

#CRIMINAL JUSTICE REFORM ACT

IN THE HOUSE

06/13/20 Representative /u/CheckMyBrain11 (D-SR) authored and introduced the following resolution, which is cosponsored by the Speaker of the House, Representative Ninjadragon (D-CH) and Representative ToastinRussian (D-List).

An act to ban the sale of surplus military-grade gear to police departments, end qualified immunity, phase out the use of private prisons for federal inmates by 2022, guarantee rights of prisoners doing prison labor, ban the use of cash bail for federal offenses and mandatory minimums for non-violent federal drug offenses within 30 days of enactment.

#AN ACT

****BE IT ENACTED,**** By the House of the Representatives and the Senate of the United States of America in Congress here assembled:

#SECTION I. TITLE

(1) This act shall be known as “Criminal Justice Reform Act,” with an acceptable short name of “CJRA”.

#SECTION II. DEFINITIONS

(1) In interpreting this bill, “private prison” shall mean a correctional institute, where convicts of federal offenses are held to complete their term in prison, that is run privately and seeks to make a profit.

(2) In interpreting this bill, “cash bail” shall mean money collected from a defendant, which is returned after they make all necessary court appearances but is otherwise forfeited to the government.

#SECTION III. MANDATORY MINIMUM REPEALS

(1) [21 U.S. Code § 844 (a)](<https://www.law.cornell.edu/uscode/text/21/844>) shall be amended to change “and shall be fined a minimum of \$1,000” to state “and may be fined not more than

\$50”.

(2) [21 U.S. Code § 844 (a)](<https://www.law.cornell.edu/uscode/text/21/844>) shall be amended to change “he shall be sentenced to a term of imprisonment for not less than 15 days but not more than 2 years, and shall be fined a minimum of \$2,500” to state “he may be fined not more than \$200.”

(3) [21 U.S. Code § 844 (a)](<https://www.law.cornell.edu/uscode/text/21/844>) shall be amended to change “he shall be sentenced to a term of imprisonment for not less than 90 days but not more than 3 years, and shall be fined a minimum of \$5,000” to state “he may be fined not more than \$500.”

(4) [21 U.S. Code § 841 (b) (1) (A) (viii)](<https://www.law.cornell.edu/uscode/text/21/841>) shall be amended to change “such person shall be sentenced to a term of imprisonment which may not be less than 10 years or more than life” to state “such person may be sentenced to a term of imprisonment which may not be more than 10 years”.

(5) [21 U.S. Code § 841 (b) (1) (A) (viii)](<https://www.law.cornell.edu/uscode/text/21/841>) shall be amended to change “such person shall be sentenced to a term of imprisonment of not less than 15 years and not more than life imprisonment” to state “such person may be sentenced to a term of imprisonment which may not be more than 15 years”.

(6) [21 U.S. Code § 841 (b) (1) (A) (viii)](<https://www.law.cornell.edu/uscode/text/21/841>) shall be amended to change “such person shall be sentenced to a term of imprisonment of not less than 25 years” to state “such person may be sentenced to a term of imprisonment of which may not be more than 25 years”.

(7) [21 U.S. Code § 841 (b) (1) (B) (viii)](<https://www.law.cornell.edu/uscode/text/21/841>) shall be amended to change “which may not be less than 5 years and not more than 40 years” to state “which may not be more than 5 years”.

(8) [21 U.S. Code § 841 (b) (1) (B) (viii)](<https://www.law.cornell.edu/uscode/text/21/841>) shall be amended to change “which may not be less than 10 years and not more than life imprisonment” to state “which may not be more than 10 years”.

#SECTION IV. MAXIMUM SENTENCE DECREASE FOR LOW-LEVEL DRUG OFFENSES

(1) [21 U.S. Code § 841 (b) (2)](<https://www.law.cornell.edu/uscode/text/21/841>) shall be amended to change “shall be sentenced to a term of imprisonment of not more than 5 years” to state “may be sentenced to a term of imprisonment of not more than 60 days”.

(2) [21 U.S. Code § 841 (b) (2)](<https://www.law.cornell.edu/uscode/text/21/841>) shall be amended to change “shall be sentenced to a term of imprisonment of not more than one year” to “he may be fined not more than \$200”.

#SECTION V: ABOLISHING CASH BAIL

(1) [18 U.S. Code § 3142 (a) (1)](<https://www.law.cornell.edu/uscode/text/18/3142>) shall be amended to change “released on personal recognizance or upon execution of an unsecured appearance bond, under subsection (b) of this section;” to state “released on personal recognizance”.

(2) [18 U.S. Code § 3142 (b)](<https://www.law.cornell.edu/uscode/text/18/3142>) shall be repealed.

(3) [18 U.S. Code § 3142 (c) (1)](<https://www.law.cornell.edu/uscode/text/18/3142>) shall be amended to change “If the judicial officer determines that the release described in subsection (b) of this section” to state “If the judicial officer determines that release by personal recognizance”.

(4) [18 U.S. Code § 3142 (e) (3)](<https://www.law.cornell.edu/uscode/text/18/3142>) shall be amended to change “if the judicial officer finds that there is probable cause to believe that the person committed—” to state “if the judicial officer finds that there is clear and convincing evidence to believe that the person committed—”.

#SECTION VI: ENDING QUALIFIED IMMUNITY

(1) Law enforcement officers acting under the protection of 42 U.S. Code § 1983 must demonstrate subjective good faith in their actions, and are presumed to know clearly established statutory or constitutional rights of citizens.

(2) For the purposes of interpretation, “clearly established statutory or constitutional rights” refer to any rights given by federal law within 90 days of any alleged encounter.

(3) For the purposes of interpretation, “any reasonable officer” refers to any law enforcement officer.

#SECTION VII: ENDING THE SALE OF EXCESS MILITARY GEAR TO POLICE DEPARTMENTS

(1) [10 U.S. Code § 2576a](<https://www.law.cornell.edu/uscode/text/10/2576a>) is hereby repealed.

#SECTION VIII: ENDING PRIVATE PRISONS

(1) Beginning January 1st, 2022, the Federal Bureau of Prisons may no longer enter any contract with a private prison to house inmates.

(2) The Federal Bureau of Prisons shall complete any existing contracts to house inmates in private prisons as expediently as possible, and immediately arrange plans to house inmates in publicly-owned federal prisons.

(3) This section shall not be interpreted to mean that the Federal Bureau of Prisons may not enter contracts for laundry, food, or other services associated with running a publicly-owned federal prison.

(4) The Federal Bureau of Prisons shall immediately draw up plans to adequately house federal inmates entirely in publicly-owned federal prisons and begin plans to build any extra prisons, prison cells, or prison wings, with great expediency.

(5) Federal grant money shall not be given to states for use in funding the use of private prisons, beginning with Fiscal Year 2022/2023.

#SECTION IX: PRISON LABOR RIGHTS

(1) Any federal inmate contracted for prison labor shall not be compelled to work more than 40 hours weekly. A federal inmate may choose to do so if they opt to, but shall not be required or coerced into doing so.

(2) Any federal inmate must be paid at least half of the federal minimum wage or at least half of the minimum wage of the state in which they are working, whichever is higher.

#SECTION X: PLAIN ENGLISH

(1) Section 3 abolishes the mandatory minimums for nonviolent drug offenses.

(2) Section 4 lowers the maximum sentence possible for those trafficking schedule 4 and 5 controlled substances.

(3) Section 5 bans the use of cash bail for federal defendants.

(4) Section 6 ends the unfair protections offered to law enforcement officers specifically.

(5) Section 7 bans the sale or donation of excess military gear to federal, state, and local law enforcement branches.

(6) Section 8 ends the use of private prisons to house inmates.

(7) Section 9 ensures a minimum standard of rights offered to federal prisoners being contracted to complete labor.

#SECTION XI: ENACTION

(1) Aside from any other dates noted in this bill, this bill shall take effect 30 days after its passage into law.