TITLE XI—PRISONS AND JAILS

SEC. 191101. SHORT TITLE.

This title may be cited as the "Pandemic Justice Response Act".

SEC. 191102. EMERGENCY COMMUNITY SUPERVISION ACT.

(a) Findings.—Congress finds the following:

(1) As of the date of introduction of this Act, the novel coronavirus has spread to all 50 States, the District of Columbia, and 3 territories.

(2) The Centers for Disease Control and Prevention have projected that between 160,000,000 and 214,000,000 people could be infected by the novel coronavirus in the United States over the course of the pandemic.

(3) Although the United States has less than 5 percent of the world's population, the United States holds approximately 21 percent of the world's prisoners and leads the world in the number of individuals incarcerated, with nearly 2,200,000 people incarcerated in State and Federal prisons and local jails.

(4) Studies have shown that individuals age out of crime starting around 25 years of age, and released individuals over the age of 50 have a very low recidivism rate.

(5) According to public health experts, incarcerated individuals are particularly vulnerable to being gravely impacted by the novel corona virus pandemic because—

(A) they have higher rates of underlying health issues than members of the general public, including higher rates of respiratory disease, heart disease, diabetes, obesity, HIV/AIDS, substance abuse, hepatitis, and other conditions that suppress immune response; and

(B) the close conditions and lack of access to hygiene products in prisons make these institutions unusually susceptible to viral pandemics.

(6) The spread of communicable disease in the United States generally constitutes a serious, heightened threat to the safety of incarcerated individuals, and there is a serious threat to the general public that prisons may become incubators of community spread of communicable viral disease.

(b) Definitions.—In this section:

(1) COVERED HEALTH CONDITION.—The term "covered health condition" with respect to an individual, means the individual—

(A) is pregnant;

(B) has chronic lung disease or asthma;

(C) has congestive heart failure or coronary artery disease;

(D) has diabetes;

(E) has a neurological condition that weakens the ability to cough or breathe;

(F) has HIV;

(G) has sickle cell anemia;

(H) has cancer; or

(I) has a weakened immune system.

(2) COVERED INDIVIDUAL.—The term "covered individual"—

(A) means an individual who—

(i) is a juvenile (as defined in section 5031 of title 18, United States Code);

(ii) is 50 years of age or older;

(iii) has a covered health condition; or

(iv) is within 12 months of release from incarceration; and

(B) includes an individual described in subparagraph (A) who is serving a term of imprisonment for an offense committed before November 1, 1987.

(3) NATIONAL EMERGENCY RELATING TO A COMMUNICABLE DISEASE.—The term "national emergency relating to a communicable disease" means—

(A) an emergency involving Federal primary responsibility determined to exist by the President under the section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) with respect to a communicable disease; or

(B) a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to a communicable disease.

(c) Placement Of Certain Individuals In Community Supervision.—

(1) AUTHORITY.—Except as provided in paragraph (2), beginning on the date on which a national emergency relating to a communicable disease is declared and ending on the date that is 60 days after such national emergency expires or is terminated—

(A) notwithstanding any other provision of law, the Director of the Bureau of Prisons shall place in community supervision all covered individuals who are in the custody of the Bureau of Prisons; and

(B) the district court of the United States for each judicial district shall place in community supervision all covered individuals who are in the custody and care of the United States Marshals Service.

(2) EXCEPTIONS.—

(A) BUREAU OF PRISONS.—In carrying out paragraph (1)(A), the Director—

(i) may not place in community supervision any individual determined, by clear and convincing evidence, to be likely to pose a specific and substantial risk of causing bodily injury to or using violent force against the person of another;

(ii) shall place in the file of each individual described in clause (i) documentation of such determination, including the evidence used to make the determination; and

(iii) not later than 180 days after the date on which the national emergency relating to a communicable disease expires, shall provide a report to Congress documenting—

(I) the demographic data (including race, gender, age, offense of conviction, and criminal history level) of the individuals denied placement in community supervision under clause (i); and

(II) the justification for the denials described in subclause (I).

(B) DISTRICT COURTS.—In carrying out paragraph (1)(B), each district court of the United States—

(i) shall conduct an immediate and expedited review of the detention orders of all covered individuals in the custody and care of the United States Marshals Service, which may be conducted sua sponte and ex parte, without—

(I) appearance by the defendant or any party; or

(II) requiring a petition, motion, or other similar document to be filed;

(ii) may not place in community supervision any individual if the court determines, after a hearing and the attorney for the Government shows by clear and convincing evidence based on individualized facts, that detention is necessary because the individual's release will pose a specific and substantial risk that the individual will cause bodily injury or use violent force against the person of another and that no conditions of release will reasonably mitigate that risk;

(iii) in carrying out clauses (i) and (ii), may—

(I) rely on evidence presented in prior court proceedings; and

(II) if the court determines it necessary, request additional information from the parties to make the determination.

(3) LIMITATION ON COMMUNITY SUPERVISION PLACEMENT.—In placing covered individuals into community supervision under this section, the Director of the Bureau of Prisons and the district court of the United States for each judicial district shall take into account and prioritize placements that enable adequate social distancing, which include home confinement or other forms of low in-person-contact supervised release.

(d) Limitation On Pre-Trial Detention.—

(1) NO BOND CONDITIONS ON RELEASE.—Notwithstanding section 3142 of title 18, United States Code, beginning on the date on which a national emergency relating to a communicable disease is declared and ending on the date that is 60 days after such national emergency expires or is terminated, in imposing conditions of release, the judicial officer may not require payment of cash bail, proof of ability to pay an unsecured bond, execution of a bail bond, a solvent surety to co-sign a secured or unsecured bond, or posting of real property.

(2) LIMITATION.—

(A) IN GENERAL.—Beginning on the date on which a national emergency relating to a communicable disease is declared and ending on the date that is 60 days after such national emergency expires or is terminated, at any initial appearance hearing, detention hearing, hearing on a motion for pretrial release, or any other hearing where the attorney for the Government is seeking the detention or continued detention of any individual, the judicial officer shall order the pretrial release of the individual on personal recognizance or on a condition or combination of conditions under section 3142(c) of title 18, United States Code, unless the attorney for the Government shows by clear and convincing evidence based on individualized facts that detention is necessary because the individual's release will pose a specific and substantial risk that the individual will cause bodily injury or use violent force against the person of another and that no conditions of release will reasonably mitigate that risk.

(B) REQUIRED CONSIDERATION OF CERTAIN FACTORS.—If the judicial officer finds that the attorney for the Government has made the requisite showing under subparagraph (A), the judicial officer shall take into consideration, in determining whether detention is necessary—

(i) whether the individual's age or medical condition renders them especially vulnerable; and

(ii) whether detention will compromise the individual's access to adequate medical treatment, access to medications, or ability to privately consult with counsel and meaningfully prepare a defense.

(C) JUVENILES.—

(i) IN GENERAL.—Beginning on the date on which a national emergency relating to a communicable disease is declared and ending on the date that is 60 days after such national emergency expires or is terminated, notwithstanding sections 5031 through 5035 of title 18, United States Code, and except as provided under clause (ii), in the case of a juvenile alleged to have committed an act of juvenile delinquency, the judicial officer **shall release the juvenile to their parent, guardian, custodian, or other responsible party (including the director of a shelter-care facility) upon their** promise to bring such juvenile before the appropriate court when requested by the judicial officer.

(ii) EXCEPTION.—A juvenile alleged to have committed an act of juvenile delinquency may be detained pending trial only if, at a hearing at which the juvenile is represented by counsel, the attorney for the Government shows by clear and convincing evidence based on individualized facts that detention is necessary because the juvenile's release will pose a specific and substantial risk that the juvenile will use violent force against a reasonably identifiable person and that no conditions of release will reasonably mitigate that risk, except that in no case may a judicial officer order the detention of a juvenile if it will compromise the juvenile's access to adequate medical treatment, access to medications, or ability to privately consult with counsel and meaningfully prepare a defense.

(iii) LEAST RESTRICTIVE DETENTION.—In the case that the judicial officer orders the detention of a juvenile under clause (ii), the judicial officer shall order the detention of the juvenile in the least restrictive and safest environment possible, taking the national emergency relating to a communicable disease into consideration.

(iv) CONTENTS OF DETENTION ORDER.—In the case that the judicial officer orders the detention of a juvenile under clause (ii), the judicial officer shall issue a written detention order that includes—

(I) findings of fact;

(II) the reasons for the detention;

(III) a description of the risk identified under clause (ii);

(IV) an explanation of why no conditions will reasonably mitigate the risk identified under clause (ii);

(V) a statement that detention will not compromise the juvenile's access to adequate medical treatment, access to medications, or ability to privately consult with counsel and meaningfully prepare a defense; and

(VI) a statement establishing that the detention environment is the least restrictive and safest possible in accordance with the requirement under clause (iii).

(e) Limitation On Supervised Release.—Beginning on the date on which a national emergency relating to a communicable disease is declared and ending on the date that is 60 days after such national emergency expires, the Office of Probation and Pretrial Services of the Administrative Office of the United States Courts shall take measures to prevent the spread of the communicable disease among individuals under supervision by—

(1) suspending the requirement that individuals determined to be a lower risk of reoffending, or any other individuals determined to be appropriate by the supervising probation officer, report in person to their probation or parole officer;

(2) identifying individuals who have successfully completed not less than 18 months of supervision and transferring such individuals to administrative supervision or petitioning the court to terminate supervision, as appropriate; and

(3) suspending the request for detention and imprisonment as a sanction for violations of probation, supervised release, or parole.

(f) Prohibition.—No individual who is granted placement in community supervision, termination of supervision, placement on administrative supervision, or pre-trial release shall be re-incarcerated, placed on supervision or active supervision, or ordered detained pre-trial only as a result of the expiration of the national emergency relating to a communicable disease.

(g) Prohibition On Technical Violations And Certain Mandatory Revocations Of Probation Or Supervised Release.—

(1) RESENTENCING IN CASES OF PROBATION AND SUPERVISED RELEASE.—

(A) IN GENERAL.—Beginning on the date on which a national emergency relating to a communicable disease is declared and ending on the date that is 60 days after such national emergency expires, and notwithstanding section 3582(b) of title 18, United States Code, a court shall order the resentencing of a defendant who is serving a term of imprisonment resulting from a revocation of probation, or supervised release for a Grade C violation for conduct under section 7B1.1(c)(3)(B) of the United States Sentencing Guidelines, upon motion of the defendant.

(B) RESENTENCING.—The court shall order the resentencing of a defendant described in subparagraph (A) as follows:

(i) In the case of a revoked sentence of probation, the court shall resentence the defendant to probation, the duration of which shall be equal to the period of time remaining on the term of probation originally imposed at the time the defendant was most recently placed in custody, unless the court determines that decreasing the length of the term of probation is in the interest of justice.

(ii) In the case of a revoked term of supervised release, the court shall continue the defendant on supervised release, the duration of which shall be equal to the period of time the defendant had remaining on supervised release when the defendant was most recently placed in custody, unless the court determines that decreasing the term of supervised release is in the interest of justice.

(2) RESENTENCING IN CASES OF PAROLE.—

(A) IN GENERAL.—Beginning on the date on which a national emergency relating to a communicable disease is declared and ending on the date that is 60 days after such national emergency expires, the court shall order the resentencing of a defendant who is serving a term of imprisonment resulting from a technical violation of the defendant's parole.

(B) RESENTENCING.—The court shall resentence the defendant to parole, the duration of which shall be equal to the period of time remaining on the defendant's term of parole at the time the defendant was most recently placed in custody, unless the court determines that decreasing the length of the term of parole is in the interest of justice.

(3) HEARING.—The court may grant, but not deny, a motion without a hearing under this section.

(4) NO MANDATORY REVOCATION.—

(A) IN GENERAL.—Beginning on the date on which a national emergency relating to a communicable disease is declared and ending on the date that is 60 days after such national emergency expires, a court is not required to revoke a defendant's probation or supervised release under sections 3565(b) and 3583(g) of title 18, United States Code, based on a finding that the defendant refused to comply with drug treatment.

(B) DISSEMINATION OF POLICY CHANGE.—Not later than 10 days after the date of enactment of this title, the Judicial Conference of the United States shall issue and disseminate to all district courts of the United States a temporary policy change suspending mandatory revocation of probation or supervised release for refusal to comply with drug testing.

(5) PROMPT DETERMINATION.—Any motion under this subsection shall be determined promptly.

(6) COUNSEL.—To effectuate the purposes of this subsection, counsel shall be appointed as early as possible to represent any indigent defendant.

(7) DEFINITIONS.—In this subsection, the term "defendant" includes individuals adjudicated delinquent under the Federal Juvenile Delinquency Act and applies to persons serving time in official detention for a revocation of juvenile probation or supervised release.

SEC. 191103. COURT AUTHORITY TO REDUCE SENTENCES AND TEMPORARY RELEASE DURING COVID–19 EMERGENCY PERIOD.

(a) Court Authority To Reduce Sentences.—

(1) IN GENERAL.—Notwithstanding section 3582 of title 18, United States Code, the court shall, during the covered emergency period, upon motion of a covered individual (as such term is defined in section 191102(b)) or on the court's own motion, reduce a term of imposed imprisonment on that individual, unless the government shows, by clear and convincing evidence, that the individual poses a risk of serious, imminent injury to a reasonably identifiable person.

(2) SENTENCE REDUCTION DEEMED AUTHORIZED.—Any sentence that is reduced under this subsection is deemed to be authorized under section 3582(c)(1)(B) of title 18, United States Code.

(3) RULE OF CONSTRUCTION.—In addition to the reduction of sentences authorized under this subsection, the court may continue to reduce and modify sentences under section 3582 of title 18, United States Code, during the covered emergency period.

(4) SPECIAL RULE.—During the covered emergency period, a covered individual who is serving a term of imprisonment for an offense committed before November 1, 1987, who would not otherwise be eligible to file a motion under section 3582(c)(1)(A) of title 18, United States Code, is eligible to file such a motion and for relief under such section. Any motion for relief filed in accordance with this paragraph before the expiration or termination of the covered emergency period shall not disqualify such motion based solely on such expiration or termination.

(b) Court Authority To Authorize Temporary Release Of Persons Awaiting Designation Or Transportation To A Bureau Of Prisons Facility.—Notwithstanding sections 3582 and 3621 of title 18, United States Code, during the covered emergency period, the court, upon motion of an individual (including individuals adjudicated delinquent under the Federal Juvenile Delinquency Act) awaiting designation or transportation to a Bureau of Prisons or other facility for service of sentence or official detention, or on the court's own motion, may order the temporary release of the individual, for a limited period ending not later than the expiration or termination of the COVID–19 emergency, if such release is for the purpose of avoiding or mitigating the risks associated with imprisonment during the covered emergency period, either generally with respect to the individual's place of imprisonment or specifically with respect to the individual.

(c) Hearing Requirement.—The court may grant, but not deny, a motion without a hearing under this section. Any motion under this section shall be determined promptly.

(d) Effective Representation During National Emergency.—

(1) ACCESS TO COURT.—During the covered emergency period, any procedural requirement under section 3582(c)(1)(A) of title 18, United States Code, that would delay a defendant from directly petitioning the court shall not apply, and the defendant may petition the court directly for relief.

(2) APPOINTMENT OF COUNSEL.—The court shall appoint counsel for indigent defendants or prisoners, at no cost to the defendant or prisoner, as early as possible to effectuate the purposes of this section and the purposes of section 3582(c)(1)(A) of title 18, United States Code.

(3) ACCESS TO MEDICAL RECORDS.—

(A) IN GENERAL.—In order to expedite proceedings under this section and proceedings under 3582(c)(1)(A) of title 18, United States Code, during the covered emergency period, the Director of the Bureau of Prisons shall promptly release all medical records in the possession of the Bureau of Prisons to a prisoner who requests them on their own behalf, or to the counsel of record for a prisoner upon submission to the court of an affidavit, signed by such counsel under penalty of perjury, that such counsel has reason to believe that the prisoner has a covered health condition (as such term is defined in section 191102(b)) or a condition that would entitle them to relief under section 3582(c)(1)(A) of title 18, United States Code.

(B) INDIVIDUALS IN THE CUSTODY OF THE U.S. MARSHALS SERVICE.—In order to expedite proceedings under this section, in the case of an individual who is in the custody or care of the U.S. Marshals Service, the Director of the U.S. Marshals Service shall facilitate the provision of any medical records of the individual to the individual or the counsel of record of the individual, upon request of the individual or counsel.

SEC. 191104. EXEMPTION FROM EXHAUSTING ADMINISTRATIVE REMEDIES DURING COVERED EMERGENCY PERIOD.

Section 7 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended by adding at the end the following:

"(i) Covered Emergency Period.—

"(1) RELIEF WITHOUT EXHAUSTING ADMINISTRATIVE REMEDIES.—Notwithstanding the other provisions of this section, during the covered emergency period, a prisoner may commence, without exhausting all administrative remedies, an action relating to conditions of imprisonment under which the prisoner is at significant risk of harm or under which the prisoner's access to counsel has been impaired. If the court determines the prisoner is reasonably likely to prevail, the court may order such appropriate relief, limited in time and scope, as may be necessary to prevent or remedy the significant risk of harm or provide access to counsel.

"(2) RETALIATION PROHIBITED.—Section 6 shall apply in the case of retaliation against a prisoner who files an administrative claim or lawsuit during the covered emergency period or attempts to so file.

"(3) DEFINITIONS.—For purposes of this subsection, the term 'covered emergency period' has the meaning given the term in section 12003 of the CARES Act (Public Law 116–136).".

SEC. 191105. INCREASING AVAILABILITY OF HOME DETENTION FOR ELDERLY OFFENDERS.

(a) Good Conduct Time Credits For Certain Elderly Nonviolent Offenders.—Section 231(g)(5)(A)(ii) of the Second Chance Act of 2007 (34 U.S.C. 60541(g)(5)(A)(ii)) is amended by striking "to which the offender was sentenced" and inserting "reduced by any credit toward the service of the prisoner's sentence awarded under section 3624(b) of title 18, United States Code".

(b) Increasing Eligibility For Home Detention For Certain Elderly Nonviolent Offenders.—During the covered emergency period an offender who is in the custody of the Bureau of Prisons shall be considered an eligible elderly offender under section 231(g) of the Second Chance Act of 2007 (34 U.S.C. 60541(g)) if the offender—

(1) is not less than 50 years of age;

(2) has served 1/2 of the term of imprisonment reduced by any credit toward the service of the prisoner's sentence awarded under section 3624(b) of title 18, United States Code; and

(3) is otherwise described in such section 231(g)(5)(A).

SEC. 191106. EFFECTIVE ASSISTANCE OF COUNSEL IN THE DIGITAL ERA ACT.

(a) Prohibition On Monitoring.—Not later than 180 days after the date of the enactment of this title, the Attorney General shall create a program or system, or modify any program or system that exists on the date of enactment of this title, through which an incarcerated person sends or receives an electronic communication, to exclude from monitoring the contents of any privileged electronic communication. In the case that the Attorney General creates a program or system in accordance with this subsection, the Attorney General shall, upon implementing such system, discontinue using any program or system that exists on the date of enactment of this title through which an incarcerated person sends or receives a privileged electronic communication, except that any program or system that exists on such date may continue to be used for any other electronic communication.

(b) Retention Of Contents.—A program or system or a modification to a program or system under subsection (a) may allow for retention by the Bureau of Prisons of, and access by an incarcerated person to, the contents of electronic communications, including the contents of privileged electronic communications, of the person until the date on which the person is released from prison.

(c) Attorney-Client Privilege.—Attorney-client privilege, and the protections and limitations associated with such privilege (including the crime fraud exception), applies to electronic communications sent or received through the program or system established or modified under subsection (a).

(d) Accessing Retained Contents.—Contents retained under subsection (b) may only be accessed by a person other than the incarcerated person for whom such contents are retained under the following circumstances:

(1) ATTORNEY GENERAL.—The Attorney General may only access retained contents if necessary for the purpose of creating and maintaining the program or system, or any modification to the program or system, through which an incarcerated person sends or receives electronic communications. The Attorney General may not review retained contents that are accessed pursuant to this paragraph.

(2) INVESTIGATIVE AND LAW ENFORCEMENT OFFICERS.—

(A) WARRANT.—

(i) IN GENERAL.—Retained contents may only be accessed by an investigative or law enforcement officer pursuant to a warrant issued by a court pursuant to the procedures described in the Federal Rules of Criminal Procedure.

(ii) APPROVAL.—No application for a warrant may be made to a court without the express approval of a United States Attorney or an Assistant Attorney General.

(B) PRIVILEGED INFORMATION.—

(i) REVIEW.—Before retained contents may be accessed pursuant to a warrant obtained under subparagraph (A), such contents shall be reviewed by a United States Attorney to ensure that privileged electronic communications are not accessible.

(ii) BARRING PARTICIPATION.—A United States Attorney who reviews retained contents pursuant to clause (i) shall be barred from—

(I) participating in a legal proceeding in which an individual who sent or received an electronic communication from which such contents are retained under subsection (b) is a defendant; or

(II) sharing the retained contents with an attorney who is participating in such a legal proceeding.

(3) MOTION TO SUPPRESS.—In a case in which retained contents have been accessed in violation of this subsection, a court may suppress evidence obtained or derived from access to such contents upon motion of the defendant.

(e) Definitions.—In this section—

(1) the term "agent of an attorney or legal representative" means any person employed by or contracting with an attorney or legal representative, including law clerks, interns, investigators, paraprofessionals, and administrative staff;

(2) the term "contents" has the meaning given such term in 2510 of title 18, United States Code;

(3) the term "electronic communication" has the meaning given such term in section 2510 of title 18, United States Code, and includes the Trust Fund Limited Inmate Computer System;

(4) the term "monitoring" means accessing the contents of an electronic communication at any time after such communication is sent;

(5) the term "incarcerated person" means any individual in the custody of the Bureau of Prisons or the United States Marshals Service who has been charged with or convicted of an offense against the United States, including such an individual who is imprisoned in a State institution; and

(6) the term "privileged electronic communication" means—

(A) any electronic communication between an incarcerated person and a potential, current, or former attorney or legal representative of such a person; and

(B) any electronic communication between an incarcerated person and the agent of an attorney or legal representative described in subparagraph (A).

SEC. 191107. COVID–19 CORRECTIONAL FACILITY EMERGENCY RESPONSE ACT OF 2020.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended by adding at the end the following:

"PART OO—PANDEMIC CORRECTIONAL FACILITY EMERGENCY RESPONSE

"SEC. 3061. FINDINGS; PURPOSES.

"(a) Immediate Release Of Vulnerable And Low-Risk Individuals.—The purpose of the grant program under section 3062 is to provide for the testing, initiation and transfer to treatment in the community, and provision of services in the community, by States and units of local government as they relate to preventing, detecting, and stopping the spread of COVID–19 in correctional facilities.

"(b) Pretrial Citation And Release.—

"(1) FINDINGS.—Congress finds as follows:

"(A) With the dramatic growth in pretrial detention resulting in county and city correctional facilities regularly exceeding capacity, such correctional facilities may serve to rapidly increase the spread of COVID–19, as facilities that hold large numbers of individuals in congregant living situations may promote the spread of COVID–19.

"(B) While individuals arrested and processed at local correctional facilities may only be held for hours or days, exposure to large number of individuals in holding cells and courtrooms promotes the spread of COVID–19.

"(C) Pretrial detainees and individuals in correctional facilities are then later released into the community having being exposed to COVID–19.

"(2) PURPOSE.—The purpose of the grant program under section 3065 is to substantially increase the use of risk-based citation release for all individuals who do not present a public safety risk.

"SEC. 3062. IMMEDIATE RELEASE OF VULNERABLE AND LOW-RISK INDIVIDUALS.

"(a) Authorization.—The Attorney General shall carry out a grant program to make grants to States and units of local government that operate correctional facilities, to establish and implement policies and procedures to prevent, detect, and stop the presence and spread of COVID–19 among arrestees, detainees, inmates, correctional facility staff, and visitors to the facilities.

"(b) Program Eligibility.—

"(1) IN GENERAL.—Eligible applicants under this section are States and units of local government that release or have a plan to release the persons described in paragraph (2) from custody in order to ensure that, not later than 90 days after enactment of this section, the total population of arrestees, detainees, and inmates at a correctional facility does not exceed the number established under subsection (c).

"(2) PERSONS DESCRIBED.—A person described in this paragraph is a person who—

"(A) does not pose a risk of serious, imminent injury to a reasonably identifiable person; or

"(B) is—

"(i) 50 years of age or older;

"(ii) a juvenile;

"(iii) an individual with serious chronic medical conditions, including heart disease, cancer, diabetes, HIV, sickle cell anemia, a neurological disease that interferes with the ability to cough or breathe, chronic lung disease, asthma, or respiratory illness;

"(iv) a pregnant woman;

"(v) an individual who is immunocompromised or has a weakened immune system; or

"(vi) an individual who has a health condition or disability that makes them vulnerable to COVID–19.

"(c) Target Correctional Population.—

"(1) TARGET POPULATION.—An eligible applicant shall establish individualized, facility-specific target capacities at each correction facility that will receive funds under this section that reflect the maximum number of individuals who may be incarcerated safely in accordance with the Centers for Disease Control and Prevention guidelines for correctional facilities pertaining to COVID–19, with consideration given to Centers for Disease Control and Prevention guidelines pertaining to community-based physical distancing, hygiene, and sanitation. A correctional facility receiving funds under this section may not use isolation in a punitive or non-medical manner as a way of achieving specific target capacities established under this paragraph.

"(2) CERTIFICATION.—An eligible applicant shall include in its application for a grant under this section a certification by a public health professional who is certified in epidemiology or infectious diseases that each correctional facility that will receive funds under this section in its jurisdiction meets the appropriate target capacity standard established under paragraph (1).

"(d) Authorized Uses.—Funds awarded pursuant to this section shall be used by grantees (including acting through nonprofit entities) to—

"(1) test all arrestees, detainees, and inmates, and initiate treatment for COVID–19, and transfer such an individual for an appropriate treatment at external medical facility, as needed;

"(2) test for COVID–19—

"(A) correctional facility staff;

"(B) volunteers;

"(C) visitors, including family members and attorneys;

"(D) court personnel that have regular contact with arrestees, detainees, and inmates;

"(E) law enforcement officers who transport arrestees, detainees, and inmates; and

"(F) personnel outside the correctional facility who provide medical treatment to arrestees, detainees, and inmates;

"(3) curtail booking and in-facility processing for individuals who have committed technical parole or probation violations; and

"(4) provide transition and reentry support services to individuals released pursuant to this section, including programs that—

"(A) increase access to and participation in reentry services;

"(B) promote a reduction in recidivism rates;

"(C) facilitate engagement in educational programs, job training, or employment;

"(D) place reentering individuals in safe and sanitary temporary transitional housing;

"(E) facilitate the enrollment of reentering individuals with a history of substance use disorder in medication-assisted treatment and a referral to overdose prevention services, mental health services, or other medical services; and

"(F) facilitate family reunification or support services, as needed.

"(e) Authorization Of Appropriations.—There is authorized to be appropriated $500,000,000 to carry out this section and section 3065 for each of fiscal years 2020 and 2021.

"SEC. 3063. JUVENILE SPECIFIC SERVICES.

"(a) In General.—The Attorney General, acting through the Administrator of the Office Juvenile Justice and Delinquency Prevention, consistent with section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11171), is authorized to make grants to States and units of local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly, or through grants and contracts with public and private agencies and nonprofit entities (as such term is defined under section 408(5)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11296(5)(A))), for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system, consistent with subsection (b).

"(b) Use Of Grant Funds.—Grants under this section shall be used for the exclusive purpose of providing juvenile specific services that—

"(1) provide rapid mass testing for COVID–19 in juvenile facilities, notification of the results of such tests to juveniles and authorized family members or legal guardians, and include policies and procedures for non-punitive quarantine that does not involve solitary confinement, and provide for examination by a doctor for any juvenile who tests positive for COVID–19;

"(2) examine all pre- and post-adjudication release processes and mechanisms applicable to juveniles and begin employing these as quickly as possible;

"(3) provide juveniles in out of home placements with continued access to appropriate education;

"(4) provide juveniles with access to legal counsel through confidential visits or teleconferencing;

"(5) provide staff and juveniles with appropriate personal protective equipment, hand washing facilities, toiletries, and medical care to reduce the spread of the virus;

"(6) provide juveniles with frequent and no cost calls home to parents, legal guardians, and other family members;

"(7) advance policies and procedures for juvenile delinquency program proceedings (including court proceedings) and probation conditions so that in-person reporting requirements for juveniles are replaced with virtual or telephonic appearances without penalty;

"(8) expand opportunities for juveniles to participate in community based services and social services through videoconferencing or teleconferencing; or

"(9) place a moratorium on all requirements for juveniles to attend and pay for court and probation-ordered programs, community service, and labor, that violate any applicable social distancing or stay at home order.

Each element described in paragraph (1) through (9) shall be trauma-informed, reflect the science of adolescent development, and be designed to meet the needs of at-risk juveniles and juveniles who come into contact with the justice system.

"(c) Definitions.—Terms used in this section have the meanings given such terms in the Juvenile Justice and Delinquency Prevention Act of 1974. The term 'juvenile' has the meaning given such term in section 1809 of this Act.

"(d) Authorization Of Appropriations.—There is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2020 and 2021.

"SEC. 3064. RAPID COVID–19 TESTING.

"(a) In General.—The Attorney General shall make grants to grantees under section 3062 for the exclusive purpose of providing for rapid COVID–19 testing of arrestees, detainees, and inmates who are exiting the custody of a correctional facility prior to returning to the community.

"(b) Use Of Funds.—Grants provided under this section may be used for any of the following:

"(1) Purchasing or leasing medical devices authorized by the U.S. Food and Drug Administration to detect COVID–19 that produce results in less than one hour.

"(2) Purchasing or securing COVID–19 testing supplies and personal protective equipment used by the correctional facility to perform such tests.

"(3) Contracting with medical providers to administer such tests.

"(c) Authorization Of Appropriations.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2020 and 2021.

"SEC. 3065. PRETRIAL CITATION AND RELEASE.

"(a) Authorization.—The Attorney General shall make grants under this section to eligible applicants for the purposes set forth in section 3061(b)(2).

"(b) Program Eligibility.—Eligible applicants under this section are States and units of local government that implement or continue operation of a program described in subsection (c)(1) and not fewer than 2 of the other programs enumerated in such subsection.

"(c) Use Of Grant Funds.—A grantee shall use amounts provided as a grant under this section for programs that provide for the following:

"(1) Adopting and operating a cite-and-release process for individuals who are suspected of committing misdemeanor and felony offenses and who do not pose a risk of serious, imminent injury to a reasonably identifiable person.

"(2) Curtailing booking and in-facility processing for individuals who have committed technical parole or probation violations.

"(3) Ensuring that defense counsel is appointed at the earliest hearing that could result in pretrial detention so that low-risk defendants are not unnecessarily further exposed to COVID–19.

"(4) Establishing early review of charges by an experienced prosecutor, so only arrestees and detainees who will be charged are detained.

"(5) Providing appropriate victims' services supports and safety-focused residential accommodations for victims and community members who have questions or concerns about releases described in this subsection.

"SEC. 3066. REPORT.

"(a) In General.—Not later than 6 months after the date on which grants are initially made under this part, and biannually thereafter during the grant period, the Attorney General shall submit to Congress a report on the program, which shall include—

"(1) the number of grants made, the number of grantees, and the amount of funding distributed to each grantee pursuant to this part;

"(2) the location of each correctional facility where activities are carried out using grant amounts;

"(3) the number of persons in the custody of correctional facilities where activities are carried out using grant amounts, including incarcerated persons released on parole, community supervision, good time or early release, clemency or commutation, as a result of the national emergency under the National Emergencies Act (50 U.S.C. 1601 et seq.) declared by the President with respect to the Coronavirus Disease 2019 ('COVID–19'), disaggregated by type of offense, age, race, sex, and ethnicity; and

"(4) for each facility receiving funds under section 3062—

"(A) the total number of tests for COVID–19 performed;

"(B) the results of such COVID–19 tests (confirmed positive or negative);

"(C) the total number of probable COVID–19 infections;

"(D) the total number of COVID–19-related hospitalizations, the total number of intensive care unit admissions, and the duration of each such hospitalization;

"(E) recoveries from COVID–19; and

"(F) COVID–19 deaths,

disaggregated by race, ethnicity, age, disability, sex, pregnancy status, and whether the individual is a staff member of or incarcerated at the facility.

"(b) Privacy.—Data reported under this section shall be reported in accordance with applicable privacy laws and regulations.

"SEC. 3067. NO MATCHING REQUIRED.

"The Attorney General shall not require grantees to provide any matching funds with respect to the use of funds under this part.

"SEC. 3068. DEFINITION.

"For purposes of this part:

"(1) CORRECTIONAL FACILITY.—The term 'correctional facility' includes a juvenile facility.

"(2) COVERED EMERGENCY PERIOD.—The term 'covered emergency period' has the meaning given the term in section 12003 of the CARES Act (Public Law 116–136).

"(3) COVID–19.—The term 'COVID–19' means a disease caused by severe acute respiratory syndrome coronavirus 2 (SARS–CoV–2).

"(4) DETAINEE; ARRESTEE; INMATE.—The terms 'detainee', 'arrestee', and 'inmate' each include juveniles.".