

115TH CONGRESS
1ST SESSION

H. R. 1437

To discourage the use of payment of money as a condition of pretrial release
in criminal cases, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2017

Mr. TED LIEU of California (for himself, Mr. GALLEGO, Mrs. WATSON COLEMAN, Mrs. LAWRENCE, Mr. BEYER, Mr. CÁRDENAS, Mr. CARSON of Indiana, Mr. CLAY, Mr. COHEN, Mr. CUMMINGS, Mr. ELLISON, Mr. FOSTER, Mr. GRIJALVA, Ms. JAYAPAL, Mr. MCGOVERN, Ms. MOORE, Mr. NADLER, Ms. NORTON, Mr. RASKIN, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SERRANO, Ms. SEWELL of Alabama, Mr. TAKANO, Ms. VELÁZQUEZ, and Mr. YARMUTH) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To discourage the use of payment of money as a condition
of pretrial release in criminal cases, 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 “No Money Bail Act
5 of 2017”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Nearly 60 percent of the inmates in jails in
2 the United States are pretrial detainees who have
3 not been convicted of a crime, an estimated 75 per-
4 cent of whom have been charged with nonviolent
5 crimes.

6 (2) Under current bail systems that use pay-
7 ment of money as a condition of pretrial release,
8 nearly 50 percent of the most dangerous pretrial de-
9 tainees are released without supervision, according
10 to a study by the Arnold Foundation.

11 (3) Throughout the Nation, those with money
12 can buy their freedom while poor defendants remain
13 incarcerated awaiting trial.

14 (4) Pretrial detention costs State and local gov-
15 ernments an estimated \$14,000,000,000 each year.

16 (5) Pretrial detention should be based on
17 whether the accused is likely to fail to appear in
18 court or is a threat to public safety, not the ability
19 to pay money as a condition of pretrial release.

20 (6) The States, the United States Department
21 of Justice, law enforcement agencies, public officials,
22 and community groups should collaborate to develop
23 pretrial detention systems that improve public safe-
24 ty, reduce costs, and discourage criminal behavior.

1 **SEC. 3. ELIGIBILITY FOR GRANTS UNDER THE BYRNE JAG**
2 **PROGRAM.**

3 Section 505 of the Omnibus Crime Control and Safe
4 Streets Act of 1968 (42 U.S.C. 3755) is amended—

5 (1) in subsection (a)—

6 (A) by adding at the end the following:

7 “(3) **ELIGIBILITY.**—Beginning with the third
8 fiscal year beginning after the enactment of the ‘No
9 Money Bail Act of 2017’, the Attorney General shall
10 not allocate any amounts appropriated to carry out
11 this part to any State that uses payment of money
12 as a condition of pretrial release with respect to
13 criminal cases.”; and

14 (B) in paragraph (1) by striking “in para-
15 graph (2)” and inserting “in paragraphs (2)
16 and (3)”; and

17 (2) in subsection (f)—

18 (A) by striking “If the Attorney General”
19 and inserting “(1) **IN GENERAL.**—If the Attor-
20 ney General”; and

21 (B) by adding at the end the following:

22 “(2) **STATE INELIGIBLE DUE TO SYSTEM OF**
23 **BAIL.**—Notwithstanding paragraph (1), if the Attor-
24 ney General determines with respect to any grant
25 period that a State is made ineligible by subsection
26 (a)(3), the Attorney General shall reallocate any

1 amounts allocated to or that would have been allo-
2 cated to such State for such period—

3 “(A) among the other eligible States; and

4 “(B) in proportion to allocations among el-
5 igible States under subsection (a).”.

6 **SEC. 4. PROHIBITION OF MONEY BAIL IN FEDERAL CRIMI-
7 NAL CASES.**

8 Notwithstanding any provision of Federal law, no jus-
9 tice, judge, or other judicial official in any court created
10 by or under article III of the Constitution of the United
11 States may use payment of money as a condition of pre-
12 trial release in any criminal case.

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