

117TH CONGRESS  
2D SESSION

# H. R. 9240

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2022

Mr. BANKS (for himself, Mr. WEBER of Texas, and Mr. POSEY) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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—

9 (A) the grant program authorized under  
10 section 1701 of title I of the Omnibus Crime

1 Control and Safe Streets Act of 1968 (34  
2 U.S.C. 10381); or

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

7 (2) the term “criminal courts”—

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

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

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

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

23 (5) the term “prosecution office” means any  
24 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 the Omnibus Crime Control and  
6 Safe Streets Act of 1968 (34 U.S.C. 10251(a)).

7 **SEC. 3. CRIME WAVE TRANSPARENCY.**

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

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

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

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

22 (B) any law, rule, policy, or practice in ef-  
23 fect in the jurisdiction of the State or unit of  
24 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) in paragraph (17), by striking “and” at the  
10 end;

11 (2) in paragraph (18), by striking the period  
12 and inserting “; and”; and

13 (3) by adding at the end the following:

14 “(19) to assist units of local government that  
15 have a population of less than 150,000 in complying  
16 with the report requirements under section 3(a) of  
17 the Concerned Citizens Bill of Rights Act.”.

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

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

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

4                   (A) imposing money bail for any felony or  
5 any violent misdemeanor offense; or

6                   (B) taking the criminal history and dan-  
7 gerousness of the defendant into account when  
8 setting money bail for any felony or violent mis-  
9 demeanor offense; and

10           (2) prosecution office of the State or unit of  
11 local government does not have in effect a law, rule,  
12 policy, or practice of prohibiting the imposition of  
13 money bail for any felony or violent misdemeanor of-  
14 fense.

15           (b) USE OF AMOUNTS.—Amounts not allocated to a  
16 State or unit of local government under a covered grant  
17 for failure to fully comply with subsection (a) shall be re-  
18 allocated under the applicable covered grant program to  
19 States or units of local government that have not failed  
20 to comply with subsection (a).

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