

S. 2

To reform the bail system and its harmful effects

IN THE SENATE OF THE UNITED STATES

DECEMBER 13th, 2022

Mr. Twos (for themselves, and AG Charest) introduced the following
bill;

A BILL

To reform the bail system and its harmful effects

*Be it enacted by the Senate and House of Representatives of the United States of
America in Congress assembled,*

SECTION 1. SHORT TITLE

This Act shall be cited as the “Bail Reform Act of 2022”.

SEC. 2. FINDINGS AND PURPOSE

(a) Findings.—The Congress finds that—

- (1) the current bail system in the United States is both unfair and inconsistent;
- (2) this system disproportionately harms poor and minority communities;
- (3) the current system of setting bail amounts based on predetermined guidelines is arbitrary and often results in individuals who are not a flight risk or danger to the public being incarcerated for an extended period of time;

- (4) the current system of setting bail amounts without taking into account a person's ability to pay often results in individuals remaining jailed until their trial, even when they have not been convicted of a crime;
- (5) the current system of setting bail amounts without taking into account a person's risk of flight or danger to the public can result in individuals who pose a risk of flight or danger to the public being released without appropriate supervision; and
- (6) the current system of setting bail amounts without taking into account a person's community ties or financial resources can result in individuals being detained prior to trial who would otherwise be able to support themselves or their families.

(b) Purpose.—It is the purpose of this Act to reform the current bail system to ensure that individuals are not detained or incarcerated prior to trial solely because they are unable to pay their bail.

SEC. 3. DEFINITIONS

In this Act:

- (1) The term “bail” means the money, bond, or other security required by a court to secure the release of a person from jail.
- (2) The term “court” means any court of the United States or any court established by the laws of any state or other jurisdiction.
- (3) The term “state” means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and any other commonwealth, territory, or possession of the United States.

SEC. 4. BAIL REFORM

(a) In General.—It shall be the policy of the United States to reform the bail system to ensure that individuals are not incarcerated prior to trial solely because they are unable to pay their bail.

(b) Bail Determination.—In determining the amount of bail to be set for a person, a court shall consider—

- (1) the person's ability to pay the bail amount;
- (2) the person's risk of flight or danger to the public;
- (3) the person's ties to the community;
- (4) the person's current financial resources; and
- (5) any other relevant factors.

(c) Supervised Release.—In cases where a court determines that a person poses a risk of flight or danger to the public, the court may order the person’s release on supervised release or other conditions in lieu of setting bail.

(d) Bail Funds.—The Attorney General is authorized to make grants to states or local governments to support the establishment of bail funds to assist individuals in paying their bail.

SEC. 5. SEVERABILITY

If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

SEC. 6. EFFECTIVE DATE

This Act shall take effect on the date of its enactment.