



Information on the coronavirus available here

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Durbin, Grassley Introduce Bipartisan Legislation To Reform Elderly Home Detention And Compassionate Release Amid COVID-19 Pandemic

WASHINGTON – Amid the COVID-19 public health pandemic, U.S. Senate Democratic Whip Dick Durbin (D-IL), Chair of the Senate Judiciary Committee, and U.S. Senator Chuck Grassley (R-IA), Ranking Member of the Senate Judiciary Committee, authors of the bipartisan *First Step Act*, landmark criminal justice reform legislation, introduced bipartisan legislation to reform the Elderly Home Detention Pilot Program and compassionate release from federal prisons. Sadly, more than 200 federal prisoners with pre-existing medical conditions that made them more vulnerable to COVID-19 have died as a result of the virus, more than half of whom were over 60 years old. Elderly offenders, the fastest-growing portion of the prison population, have much lower rates of recidivism and are much more expensive to incarcerate due to their health care needs.

Since enactment of the *First Step Act*, the Federal Bureau of Prisons (BOP) has opposed the vast majority of compassionate release petitions. Since March of last year, BOP has opposed nearly all compassionate release requests, while courts have granted more than 2,000 over the objections of the Department of Justice and BOP. BOP has reportedly refused to approve any compassionate releases based on vulnerability to COVID-19.

“My legislation with Senator Grassley would help ensure that the most vulnerable prisoners are quickly released or transferred to home confinement for the remainder of their sentence – just as the *First Step Act* intended. This is especially critical during the COVID-19 pandemic to protect against the spread of this deadly virus, which we know thrives in places like prisons. I’m hopeful that we can take up legislation on a bipartisan basis so we can start to properly implement the *First Step Act* and protect communities from further COVID-19 outbreaks,” said Durbin.

“In the middle of a pandemic the federal government ought to be doing everything it can to protect the inmates in its care. We already established important home confinement and early release programs in 2018, which are especially important right now as older inmates face very serious risks because of the virus. Our bill will clarify and expand those programs we wrote into the *First Step Act*, so we can better protect these vulnerable populations,” Grassley said.

Specifically, the *COVID-19 Safer Detention Act* would reform the Elderly Home Detention Pilot Program and compassionate release by:

- Clarifying that the percentage of time served required for the Elderly Home Detention Pilot Program should be calculated based on an inmate’s sentence, including reductions for good time credits (H.R. 4018, which passed the House by voice vote last Congress);
- Expanding the eligibility criteria for the Elderly Home Detention Pilot Program to include nonviolent offenders who have served at least 50 percent of their term of imprisonment;
- Clarifying that elderly nonviolent D.C. Code offenders in BOP custody are eligible for the Elderly Home Detention Pilot Program and that federal

prisoners sentenced before November 1, 1987 are eligible for compassionate release;

- Subjecting elderly home detention eligibility decisions to judicial review (based on the First Step Act's compassionate release provision); and
- Providing that, during the period of the pandemic, COVID-19 vulnerability is a basis for compassionate release and shortening the period prisoners must wait for judicial review for elderly home detention and compassionate release from 30 to 10 days.

Joining Durbin and Grassley in cosponsoring the legislation are Senators Thom Tillis (R-NC), Sheldon Whitehouse (D-RI), Kevin Cramer (R-ND), Chris Coons (D-DE), Roger Wicker (R-MS), and Cory Booker (D-NJ).

The following organizations support the *COVID-19 Safer Detention Act*: Americans for Prosperity, Drug Policy Alliance, Due Process Institute, FAMM, Federal Public and Community Defenders, FreedomWorks, Innocence Project, Justice Action Network, Law Enforcement Leaders, National Association of Criminal Defense Lawyers (NACDL), Prison Fellowship, Right on Crime, Sentencing Project, Taking Action For Good, Tzedek Association, United States Conference of Catholic Bishops, ACLU, Americans for Tax Reform, Dream Corps JUSTICE (formerly #cut50), FedCURE, and Leadership Conference on Civil and Human Rights.

Durbin and Grassley were lead authors of the *First Step Act*, which was enacted into law in 2018 after years of bipartisan efforts. The law uses evidence-based recidivism reduction programs to help inmates successfully return to society after serving their sentences. It also reduces draconian mandatory minimum sentences for certain drug offenses.