

COVID-19 Safer Detention Act of 2020
Section by Section Summary

Section 1. Short Title.

This section provides that the legislation may be cited as the “COVID-19 Safer Detention Act”.

Section 2. Definition of Covered Emergency Period.

This section clarifies that the covered COVID-19 emergency period ends on the later of the date that is 30 days after the national emergency declared by the President ends or the date that is 30 days after the Bureau of Prisons (BOP) ceases modified operations in response to COVID-19.

Section 3. Home Detention for Certain Elderly Nonviolent Offenders.

This section provides for judicial review of Elderly Home Detention Pilot Program eligibility decisions made by BOP. This section also clarifies that the percentage of time served requirement for the Elderly Home Detention Pilot Program should be calculated based on an inmate’s sentence including reductions for good time credits and that elderly nonviolent D.C. Code offenders in BOP custody are eligible for the program. In addition, this section expands the eligibility criteria to include nonviolent offenders who are sixty years or older and have served at least 50 percent of their term of imprisonment.

Section 4. Compassionate Release Technical Correction.

This section clarifies that federal prisoners sentenced before November 1, 1987 are eligible for compassionate release and that prisoners may file a motion with the sentencing court requesting a compassionate release reduction in sentence 30 days after requesting that the BOP file such a motion, regardless of the status of the request before the BOP.

Section 5. Temporary Shortening of Administrative Exhaustion.

This section provides that, during the period of the COVID-19 pandemic, COVID-19 vulnerability is a basis for compassionate release. This section also shortens, from 30 days to 10 days, the period prisoners must wait after requesting placement in the Elderly Home Detention Pilot Program or requesting that BOP file a compassionate release reduction in sentence motion before filing for judicial review.