

117TH CONGRESS
1ST SESSION

H. R. 2194

To provide for expedited compassionate release in the event of a public health emergency.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2021

Mr. CICILLINE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for expedited compassionate release in the event of a public health emergency.

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. COMPASSIONATE RELEASE FOR PUBLIC**
4 **HEALTH EMERGENCIES.**

5 (a) IN GENERAL.—Section 3622 of title 18, United
6 States Code, is amended—

7 (1) in the matter preceding subsection (a), by
8 inserting “or the sentencing court” after “The Bu-
9 reau of Prisons”;

1 (2) in subsection (b), by striking “or” at the
2 end;

3 (3) in subsection (c), by striking the period at
4 the end and inserting “; or”; and

5 (4) by adding at the end the following:

6 “(d) in the event of a public health emergency and
7 if the Bureau or the sentencing court, as the case may
8 be, determines that there exists a substantial, imminent
9 health risk to the prisoner, other prisoners, or Bureau em-
10 ployees, reside in the community under the supervision of
11 the Office of Probation and Pretrial Services for the judi-
12 cial district in which the community is located.”.

13 (b) COMPASSIONATE RELEASE PETITION.—Section
14 3582 of title 18, United States Code, is amended—

15 (1) in subsection (c)(1)(A), in the matter pre-
16 ceding clause (i) by inserting “or, during a public
17 health emergency (as defined in section 3627), upon
18 motion of the defendant prior to exhaustion of all
19 administrative appeals or the lapse of 30-days,”
20 after “whichever is earlier,”; and

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

22 “(f) PROCEDURES DURING A PUBLIC HEALTH
23 EMERGENCY.—

24 “(1) PROMPT RELEASE OF MEDICAL
25 RECORDS.—If the defendant’s attorney submits a

1 declaration to the Bureau of Prisons under penalty
 2 of perjury that counsel is seeking records to file a
 3 motion described in subsection (c)(1)(A) during a
 4 public health emergency, the Bureau of Prisons shall
 5 promptly release all medical records from the year
 6 preceding the declaration to the defendant's attor-
 7 ney.

8 “(2) EXPEDITED PROCEDURES.—The court
 9 shall expedite, to the extent practicable, ruling on
 10 motions filed under subsection (c)(1)(A) during a
 11 public health emergency.”.

12 (d) DEFINITION OF PUBLIC HEALTH EMERGENCY.—
 13 Subchapter C of chapter 229 of title 18, United States
 14 Code, is amended by adding at the end the following:

15 **“§ 3627. Definition of public health emergency**

16 “In this subchapter, the term ‘public health emer-
 17 gency’—

18 “(1) means—

19 “(A) a public health emergency declared by
 20 the Secretary of Health and Human Services
 21 under section 319 of the Public Health Service
 22 Act (42 U.S.C. 247d); or

23 “(B) a public health emergency declared
 24 by the Governor of a State or territory in which
 25 a Bureau of Prisons facility is located; and

1 “(2) includes the public health emergency de-
2 clared by the Secretary of Health and Human Serv-
3 ices on January 31, 2020, in response to COVID–
4 19.”.

5 (e) TECHNICAL AND CONFORMING AMENDMENT.—
6 The table of sections for subchapter C of chapter 229 of
7 title 18, United States Code, is amended by adding at the
8 end the following:

 “3627. Definition of public health emergency.”.

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