



Bill Summary: The COVID-19 Safer Detention Act
[S. 4034](#) (Sens. Durbin, Grassley)

The Bill: If passed, the COVID-19 Safer Detention Act would make clarifications and technical improvements to the federal Elderly Home Detention Pilot program and compassionate release process. The bill would provide eligibility in these programs to additional vulnerable, low-risk prisoners and expedite releases from federal prison through these programs during the COVID-19 pandemic. **FAMM supports this bill.**

Introduced By: Sen. Dick Durbin (D-Ill.) and Sen. Chuck Grassley (R-Iowa).

Who it would help: D.C. Code offenders and people in federal prisons who

- (1) are especially vulnerable to or at higher risk of serious harm from COVID-19 because of their medical condition or age, or
- (2) are older, have served at least half their sentence, and meet certain criteria for home detention under the Elderly Home Detention Pilot Program.

Bill status: *This bill is not yet law.* The bill was introduced in the United States Senate. It must be passed by both the Senate and the House of Representatives before it can be signed into law by the President. Alternatively, this text language could be included in the next major COVID-19 stimulus bill, which also must be passed by both houses of Congress and signed into law by the President. We do not know if or when this bill could become law.

What it would do:

Elderly Home Detention for Federal Prisoners

If passed, the COVID-19 Safer Detention Act would improve the Elderly Home Detention Pilot program, which permits the Bureau of Prisons (BOP) to transfer elderly prisoners with nonviolent offenses and terminally ill prisoners from prison to home detention after serving a portion of their term of imprisonment. Specifically, it would:

- Expand eligibility to include people who have served at least 1/2 of their term of imprisonment (compared to the current requirement that they serve 2/3)
- Clarify that the percentage of time served to be eligible for release should be calculated including good time credit reductions
- Clarify that D.C. Code prisoners in BOP custody are eligible for elderly home detention



- Permit federal courts to grant motions for sentence reduction to home detention under the BOP Elderly Home Detention Pilot program if the person meets eligibility criteria, has requested home detention from the warden, and has waited at least 30 days for a response (or 10 days during the COVID-19 pandemic).

Compassionate Release

If passed, the COVID-19 Safer Detention Act would make the federal compassionate release process more straightforward, particularly during the COVID-19 pandemic. Specifically, it would:

- Provide, during the pandemic, that vulnerability to COVID-19 is a basis for compassionate release
- During the pandemic, shorten the period that courts must wait before considering a compassionate release motion, from 30 days to 10 days
- Clarify that “old law” federal prisoners, who were sentenced before November 1, 1987, are eligible for compassionate release as amended by the First Step Act
- Clarify that courts can consider motions for compassionate release 30 days after the prisoner submits a compassionate release request to the warden, regardless of the BOP’s response or lack of response to the request.