



**Bill Summary: The Emergency GRACE Act  
S. 3698 (Sens. Schatz and Durbin)**

**The Bill:** If passed, the Emergency Grants of Release And Compassion Effectively Act of 2020 (Emergency GRACE Act) would expedite grants of compassionate release during the COVID-19 pandemic by allowing people in federal prisons to make direct petitions to the court without waiting for typical deadlines. The bill would also make it easier for federal prisoners to obtain lawyers and medical records when seeking compassionate release petitions. It would also provide funding to state systems for the purpose of expanding their use of compassionate release and similar release mechanisms. **FAMM supports this bill.**

**Introduced By:** Senators Brian Schatz (D-Hawai'i) and Dick Durbin (D-Ill.)

**Who it would help:** People in federal and state prisons who are especially vulnerable to serious harm from COVID-19 due to medical condition or age.

**Bill status:** *This bill is not yet law.* The bill must pass through the Senate Judiciary Committee, House Judiciary Committee, and pass through the floors of both the House of Representatives and Senate 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. We do not know if or when this bill could become law.

**Federal Compassionate Release:** If passed, the Emergency GRACE Act would temporarily eliminate the 30-day waiting period normally required to file a compassionate release motion in federal court. Specifically, the bill would:

- Allow a person in federal prison to petition the federal court directly during a public emergency, rather than wait for the Bureau of Prisons to act within 30 days
- Allow “old law” federal prisoners, who were sentenced before November 1987 and excluded from recent improvements to the compassionate release process, to petition for relief
- Direct the Bureau of Prisons (BOP) to identify compassionate release cases and release relevant medical records to incarcerated people, their lawyers, and the court
- Create a presumption in favor of granting compassionate release to vulnerable people during the pandemic
- Allow the court to provide counsel for federal prisoners without lawyers.

**State Compassionate Release:** If passed, the Emergency GRACE Act would provide \$50 million for state prison systems through the Byrne-JAG grant program to increase state prison



1100 H Street NW, Suite 1000 • Washington, D.C. 20005



(202) 822-6700



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testing for COVID-19 and to expand use of compassionate release or elderly/medical parole to promote release of people especially vulnerable to harm from COVID-19.

**Other Protections During the Pandemic:** The Emergency GRACE Act would also:

- Create a process for temporary supervised release, furlough, or transfer from federal prisons during the pandemic
- Allow an incarcerated person to access Medicaid within 30 days of their release, ensuring that they will be able to sign up for and have access to healthcare coverage after release
- Direct the BOP to improve their testing of all incarcerated people and staff, limit the spread of the coronavirus, and release relevant information to attorneys and families.