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# **ANALYSIS OF H.R. 9240, THE CONCERNED CITIZENS BILL OF RIGHTS ACT**

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## **TOPLINE POINTS**

- ★ Progressive criminal justice policies continue to plague communities by removing accountability from criminal perpetrators and placing communities at risk.
- ★ This bill would prohibit grant-receiving jurisdictions from enacting no-cash bail policies.
- ★ H.R. 9240 would require any state or local grant recipients with jurisdiction over criminal matters to publicly report any policies that requires or results in the non-enforcement or non-prosecution of criminal offenses.

The public safety dangers posed by [progressive](#) criminal justice policies continue to plague communities across the Nation. The elimination of cash bail, broad non-enforcement policies absent the imprimatur of the legislature, and non-prosecution policies mark just a few of the more nefarious policy prescriptions negatively impacting public safety.

H.R. 9240, recently introduced by Representative Jim Banks (IN-3), seeks to remedy these issues by requiring any state or local agency that receives federal grant funding—and which exercises authority over criminal justice decisions—to be transparent with the public about their policy directives.

### **If enacted, this legislation would:**

**Foster public transparency regarding the accurate reporting of crime statistics and the implementation of policies affecting the non-enforcement and/or non-prosecution of crimes.**



- Section 3 (a) (1) requires that any recipients of federal funding “fully and accurately report information required by the National Incident-Based Reporting System of the Federal Bureau of Investigation.”

*Why is this important?*

The National Incident-Based Reporting System is the new crime-reporting system established by the Department of Justice (DOJ) to collect crime data from state and local law enforcement agencies. While designed to be more comprehensive than its predecessor system, nearly one-third of state and local law enforcement agencies failed to [report](#) their 2021 data to the DOJ by mid-2022. The failure to accurately collect this information fosters an incomplete picture of the true extent of crime in society and inhibits policymakers and voters from making informed decisions regarding criminal justice policy.

- Section 3 (a) (2) (A-C) outlines several reporting requirements for grant-receiving agencies. Among the requirements include “any law, rule, policy, or practice” that requires or results in the “non-enforcement” or “non-prosecution” of “any criminal offenses” within the recipient’s jurisdiction. Further, the law mandates the reporting of any law, rule, policy, or practice that has “the effect of withdrawing law enforcement protection from a geographical area or structure that law enforcement officers are lawfully entitled to access.”

*Why this is important?*

Progressive prosecutors have systematically [enacted](#) dangerous non-enforcement and non-prosecution policies designed to usurp the statutory prerogatives of the legislature and unilaterally impose decriminalization and decarceration policies anathema to the public safety interests of the community. This legislation requires state and local agencies enacting these policies to be transparent about their practices.

- Section 3 (a) (2) (D-F) mandates that grant-receiving agencies further report on all “criminal offenses declined to be prosecuted, disaggregated by each criminal offense.” Additionally, H.R. 9240 would require information related to the average sentence imposed upon conviction—as well as actual time served—to be reported annually to the Attorney General.

*Why is this important?*

Compounding the dangers posed by progressive prosecutors’ non-enforcement and prosecution efforts are policies seeking to impose shortened sentences on convicted



criminals. Releasing criminals from jails or prisons before the completion of a court-ordered sentence potentially places the public in danger of further criminal victimization. H.R. 9240 requires state or local agencies receiving federal funding to convey this information to the Attorney General on an annual basis, providing greater insight into the actual sentencing practices of these agencies or offices.

### **Require that grant-receiving agencies outline steps taken to reduce crime proactively and hire more police officers.**

- Section 3 (a) (3) (A-E) contains language requiring reporting related to an agency’s attempts to “reduce the number of criminal offenses committed,” “hire and retain law enforcement officers,” “combat anti-police sentiment,” prevent repeat offenses by violent offenders,” and “increase prosecution of crime.”
- Section 4 (a) (4) stipulates that information about any individual granted pretrial release be reported annually. Further, among those granted pretrial release, any of those individuals who were subsequently “arrested or charged with a felony or violent misdemeanor committed after pretrial release” must be included in the annual report to the Attorney General.

#### *Why is this important?*

Too often, progressive prosecutors and others with control over a jurisdiction’s criminal justice policies attempt to not only impose dangerous decriminalization policies on the public but also attempt to diminish the capabilities of law enforcement as well. An outgrowth of the “Defund the Police” movement, policies designed to reduce public funding for police or foment anti-police sentiment, have inspired a generational crisis in [recruiting and retention](#) within the law enforcement community. This has resulted in fewer officers, fewer arrests, and rising crime rates. H.R. 9240 requires grant-receiving agencies to be transparent about their practices within the entirety of the criminal justice system.

Additionally, the pretrial release of dangerous individuals charged with a range of crimes has been on the rise in many communities pursuing progressive criminal justice policies. Forcing jurisdictions to account for the number of individuals granted pretrial release—and accounting for their subsequent criminal activity—is an important step toward greater transparency and accountability.



Failure to comply with the reporting requirements outlined in the bill will result in an agency being subject “to a 20-percent reduction in the amount that would otherwise be made available to the State or unit of local government under covered grants.”

### **Ends no-cash bail policies for grant-receiving agencies.**

An additional, yet significant, requirement of H.R. 9240 involves the attempt to combat jurisdictions imposing cashless bail policies. Sometimes referred to as “no-cash bail,” these policies force greater numbers of arrested individuals out of jails pending adjudication of criminal charges and instead place them back onto the streets.

- Section 5 (a) (1) (A-B) stipulates that in “order to be eligible to receive any amounts under a covered grant, a State or unit of local government shall, not later than 30 days after the date of enactment of this Act, and at the end of each fiscal year thereafter, submit to the Attorney General a certification that,” there is no “law, rule, policy, or practice that prohibits criminal courts from,” “imposing money bail for any felony or any violent misdemeanor offense” or “taking the criminal history and dangerousness of the defendant into account when setting money bail for any felony or violent misdemeanor offense.”
- Section 5 (a) (2) further requires that any “prosecution office of the State or unit of local government does not have in effect a law, rule, policy, or practice of prohibiting the imposition of money bail for any felony or violent misdemeanor offense.”

### *Why is this important?*

No-cash bail policies have contributed to worsening crime rates in communities across the Nation, increasing the likelihood of repeat offenders victimizing communities. In New York City, [crime](#) in the first quarter of 2022 was up 44% from the year before, driven in no small part by repeat criminal offenders. The New York City Police Department announced that over 500 individuals had been arrested on at least three or more occasions during that time for crimes, including robbery and burglary, among others.

A deeper [analysis](#) conducted at the University of Utah found that bail reform policies implemented in Cook County, Illinois, home to Chicago, led to substantial increases in recidivism among individuals granted pretrial release. The study [found](#) that the “number of released defendants who were charged with committing new crimes increased by about



45%” and, more disturbingly, the number of “pretrial releasees who were charged with committing new violent crimes increased by about 33%.”

Holding dangerous or criminally prolific individuals accountable for their actions—and not merely affording them an instant reprieve from pretrial incarceration—enhances public safety. Arguing otherwise not only belies common sense but also contradicts the empirical evidence.

### *Bottom line*

H.R. 9240 forces federal grant-receiving offices and agencies with authority over criminal justice matters to be transparent about the real consequences of the policies that they enact. Progressive criminal justice policies, particularly no-cash bail, continue to have a pernicious effect on public safety. Federal taxpayer dollars should not be applied to the furtherance of their proliferation. H.R. 9240 is a smart step in that direction.

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