



AN ACT REGARDING DECARCERATION AND COVID-19

HD 4963, Representative Lindsay Sabadosa

The COVID-19 pandemic poses a grave and immediate threat to public health and to incarcerated people, who are housed in close quarters with no ability to engage in social distancing. Incarcerated people are particularly vulnerable to the impacts of COVID-19, as many are elderly and have medical conditions that put them at serious risk. The environment in prisons and jails is not conducive to promoting health and welfare during this pandemic and immediate measures must be taken to decarcerate in order to save lives and reduce the spread of COVID-19. An Act regarding decarceration and COVID-19 appropriately balances public safety needs against the imminent public health threat of COVID-19 and takes important and necessary steps to release people from incarceration so that the virus does not spread quickly in our jails and prisons, and in turn, to staff, families and our health care system.

This bill demands that people who pose no immediate physical threat to the community must be released, including:

- All persons charged with or serving time for simple possession of controlled substances
- All persons detained because they cannot afford bail under \$10,000
- All persons over the age of 50
- All persons who are medically vulnerable, as classified by the Center for Disease Control
- All persons incarcerated as the result of technical parole or probation violations
- All persons who qualify for medical parole
- All persons incarcerated due to warrants for failure to pay fines and fees
- All persons who are within six months of their release date

If a person falls into one of the above categories, they may still be held under the following conditions:

- For pre-trial detainees, the District Attorney may request a dangerousness hearing in qualifying cases
- For persons in the custody of County Sheriffs, they may be held if there is clear and convincing evidence that the person would pose an immediate risk to public safety if released
- For persons in state prisons and those who are parole eligible, they may be held if there is clear and convincing evidence that the person would pose an immediate physical threat to the community if released

Conditions of Incarceration:

The Commissioner and all Sheriffs must work with public health officials to ensure appropriate health and safety policies and practices are implemented in all prisons and jails, specifically minimizing cell sharing and ensuring that there are sufficient medical quarantine beds. All incarcerated persons must be provided with soap, disinfectant, cleaning supplies, hand sanitizer, tissues, extra uniforms, free phone calls, and free emails. All incarcerated persons must be provided daily access to telephone calls, emails and recreation time.

