

S 281

Prosecutors Need to Prosecute Act of 2023

Congress: 118 (2023–2025, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Feb 7, 2023

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (Feb 7, 2023)

Official Text: <https://www.congress.gov/bill/118th-congress/senate-bill/281>

Sponsor

Name: Sen. Kennedy, John [R-LA]

Party: Republican • State: LA • Chamber: Senate

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Blackburn, Marsha [R-TN]	R · TN		Feb 7, 2023
Sen. Cruz, Ted [R-TX]	R · TX		Feb 7, 2023
Sen. Thune, John [R-SD]	R · SD		Feb 7, 2023

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Feb 7, 2023

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
118 HR 27	Related bill	Jan 9, 2023: Referred to the House Committee on the Judiciary.

## **Prosecutors Need to Prosecute Act of 2023**

This bill requires certain state and local prosecutors to report data on criminal referrals and outcomes of cases involving murder or non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, arson, or any offense involving the illegal use or possession of a firearm.

The reporting requirement applies to state and local prosecutors in a jurisdiction that has 360,000 or more persons and receives funding under the Edward Byrne Memorial Justice Assistance Grant (JAG) program. The report must contain data on

- cases referred for prosecution,
- cases the prosecutor declined to prosecute or refer for diversion,
- cases for which the prosecutor declined to reach a plea agreement,
- cases that resulted in a plea agreement or referral for diversion, and
- offenses the prosecutor did not prosecute due to an internal policy.

If a state or local prosecutor complies with these requirements, the bill requires (1) the Department of Justice to give priority in disbursing Byrne JAG program funds to the local government served by the prosecutor, and (2) the local government to ensure that the prosecutor receives a portion of the funds.

Additionally, the bill prohibits states and local governments from receiving funds under the Byrne JAG program if they have in effect a policy that prohibits the use of cash bail for a defendant in a case involving the illegal use or illegal possession of a firearm.

## **Actions Timeline**

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- **Feb 7, 2023:** Introduced in Senate
- **Feb 7, 2023:** Read twice and referred to the Committee on the Judiciary.