



AJA Monthly Report

Last Updated: February 14, 2023

Washington Update

The 118th Congress began its first session in January 2023. After the longest selection process in nearly a century, the House of Representatives selected Rep. Kevin McCarthy (R-CA) as the new Speaker of the House, following the Republican takeover of the chamber. Speaker McCarthy garnered the necessary votes for the Speakership after making several deals that will empower the conservative flank of his party during the Congress. McCarthy's concessions reduce the speaker's traditional power considerably. As a result, any single lawmaker can now force a vote at any time to oust the speaker and gives the conservative flank a third of the seats on the House Rules Committee, traditionally strongly controlled by the speaker, which determines which legislation reaches the floor of the House and sets the parameters of debate and amendments to be considered by the chamber.

The Senate, too, swore in its new members in January. Lesser reported on than the public speaker debate, the Senate also got off to a slow start to its formal organization. Following the resignation of former Sen. Ben Sasse (R-NE), the chamber waited for the appointment of new Sen. Pete Ricketts (R-NE) to fill the seat and also had to sift through the puzzle of appointing the new senators to their committee assignments, which was slower than normal this year because many of the new senators wanted seats on committees that they were precluded from due to internal party rules (for example, the Senate Republican conference has a rule that no two same-party senators from the same state may be seated on the same committee).

Much of the second half of the month of January was spent by the new Congressional leadership and the White House getting a feeling for how each side will react to the other on the pressing policy items they will face together in 2023, including the upcoming expiration of the debt limit, economic progress, dealing with overt and covert threats from global adversaries such as China, and the continued conflict between Russia and Ukraine.

Removal of X-Waiver

On January 12th, the Drug Enforcement Agency (DEA) and the Substance Abuse and Mental Health Services Administration (SAMSHA) issued guidance on the removal of the X-waiver, which was a significant barrier to the treatment of opioid use disorder. As stated in the guidance, an X-waiver is no longer required to treat patients with buprenorphine for opioid use disorder. Going forward, all prescriptions for buprenorphine will only require a standard DEA registration number. There are no longer any limits or patient caps on the number of patients a prescriber may treat for opioid use disorder with buprenorphine. (Note that existing state laws may still apply.). Additionally, SAMSHA will no longer be accepting new waiver applications. As a result of the guidance, all physicians and other health care professionals with a regular DEA license can prescribe buprenorphine.

Joint NCCHC and AJA Letter to Senate Leadership

At the suggestion of Lobbyit, AJA and the National Commission on Correctional Health Care sent a jointly-signed letter to the leaders of the United States Senate urging the Senate to consider and advance bipartisan mental health legislation during the 118th Congress. The letter noted that it is crucial to build off the efforts made in the 117th Congress in order to maintain political momentum and finalize comprehensive legislation that encompasses proactive mental health measures in our nation's jails. Lobbyit drafted the suggested text and then distributed it to Sen. Schumer's and Sen. McConnell's offices, both of whom acknowledged receipt of the letter.

New Senate HELP Committee Leadership

The Senate's Health, Education, Labor, and Pensions Committee has new leadership for both parties in the 118th Congress. Chairing the Committee will be Sen. Bernie Sanders of Vermont; Sen. Bill Cassidy of Louisiana will be the top Republican. Sen. Sanders is a leader of the Senate's progressive wing with strong views on the issues in the Committee's jurisdiction. However, he has not yet indicated which areas he will begin to focus on to start the 118th Congress. Sen. Cassidy, a physician by training, has a strong interest in health care policy and was active in the 117th Congress on mental health legislation.

AJA Virtual Hill Meetings

The Lobbyit team arranged several virtual meetings to re-introduce AJA to some staffers as well as forge new relationships in the 118th Congress.

- Katie Ward, Legislative Correspondent for Senator Jon Ossoff (D-GA)
- Katie provided great insight into potential reintroduction of S. 4284 in the 118th Congress.
- She also identified other bills that the Senator worked on in the previous Congress that remain a priority for his office this year.
- The office offered aid for the upcoming appropriations season for AJA's Georgia constituency.
- Their office was receptive about a potential visit to a Georgia jail during any of the upcoming Senate recess breaks.

- Nicole Walton, Counsel for the Senate Judiciary Committee (Majority Staff)
- Her previous experience within the Department of Justice makes her a great internal ally for AJA.
- Nicole explained that the Senate Judiciary Committee plans to re-introduce several bills related to jails and criminal justice in the coming months.
- Their committee also has oversight into funds appropriated to the DOJ.

- Antavis "L.J" Chavis, Legal Fellow for Representative Sheila Cherfilus-McCormick (D-FL-20)
- The Congresswoman is the hometown Representative for Broward, Palm Beach, North Lauderdale, Pompano Beach, and Sunrise counties. It's imperative for AJA leadership to continue building a relationship with her office.
- AJA expressed their strong opposition to H.R. 6296 and advocated for H.R. 955 from the previous Congress.

Bills by Issue

American Jail Association (9)

| State | Bill Number | Last Action | Status | Position | Priority | FN Outlook |
|---|-------------|---|----------|----------|----------|------------|
| US | HCONRES 5 | Referred To The House Committee On The Judiciary 2023 01 09 | In House | None | None | 15.1% 0.0% |
| Title | | Introduction Date: 2023-01-09 | | | | |
| Expressing support for the Nation's law enforcement agencies and condemning any efforts to defund or dismantle law enforcement agencies. | | | | | | |
| Description | | | | | | |
| This concurrent resolution offers sincere gratitude and appreciation for the nation's law enforcement officers. It also recognizes the sacrifices of law enforcement officers and rejects efforts to defund and dismantle state and local law enforcement agencies. | | | | | | |
| Primary Sponsors | | | | | | |
| Tom Tiffany | | | | | | |

| State | Bill Number | Last Action | Status | Position | Priority | FN Outlook |
|-------|-------------|---|----------|----------|----------|------------|
| US | HR 27 | Referred To The House Committee On The Judiciary 2023 01 09 | In House | None | None | 5.5% 72.4% |

Title Prosecutors Need to Prosecute Act **Introduction Date:** 2023-01-09

Description

Prosecutors Need to Prosecute Act 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 with 380,000 or more persons that receives funding under the Edward Byrne Memorial Justice Assistance Grant program. The report must contain data on * cases referred for prosecution, * cases declined for prosecution, * cases resulting in a plea agreement with the defendant, * cases initiated against defendants with previous arrests or convictions, and * defendants charged who were released or eligible for bail.

Primary Sponsors

Nicole Malliotakis

| State | Bill Number | Last Action | Status | Position | Priority | FN Outlook |
|-------|-------------|--|----------|----------|----------|------------|
| US | HR 46 | Referred To The Committee On Energy And Commerce And In Addition To The Committee On The Judiciary For A Period To Be Subsequently Determined By The Speaker In Each Case For Consideration Of Such Provisions As Fall Within The Jurisdiction Of The Committee Concerned 2023 01 09 | In House | None | None | 7.4% 68.7% |

Title Mental Health Access and Gun Violence Prevention Act of 2023 **Introduction Date:** 2023-01-09

Description

Mental Health Access and Gun Violence Prevention Act of 2023 This bill authorizes FY2024 appropriations for the Department of Justice, the Department of Health and Human Services, and the Social Security Administration to (1) increase access to mental health care treatment and services, and (2) promote reporting of mental health information to the National Instant Criminal Background Check System. (This system is used to query federal, state, local, tribal, and territorial criminal history record information and other records to determine an individual's eligibility to receive, transfer, or possess firearms.)

Primary Sponsors

Sheila Jackson Lee

| State | Bill Number | Last Action | Status | Position | Priority | FN Outlook |
|-------|-------------|---|----------|----------|----------|------------|
| US | HR 50 | Referred To The House Committee On The Judiciary 2023 01 09 | In House | None | None | 8.5% 65.6% |

Title Terry Technical Correction Act **Introduction Date:** 2023-01-09

Description

Terry Technical Correction Act This bill broadens the scope of crack cocaine offenders who are eligible for a retroactive sentencing reduction under the First Step Act of 2018. The First Step Act made the Fair Sentencing Act of 2010 retroactive and authorized sentencing reductions for certain crack cocaine offenders convicted and sentenced before the Fair Sentencing Act became effective. Under current law, crack cocaine offenders whose conduct triggered a mandatory minimum sentence are eligible for a retroactive sentencing reduction under the First Step Act. However, in 2021, the Supreme Court held in Terry v. United States that low-level crack cocaine offenders whose conduct did not trigger a mandatory minimum sentence are not eligible for a retroactive sentencing reduction under the First Step Act. This bill extends eligibility for a retroactive sentencing reduction under the First Step Act to all crack cocaine offenders convicted and sentenced before the Fair Sentencing Act became effective, including low-level offenders whose conduct did not trigger a mandatory minimum sentence.

Primary Sponsors

Sheila Jackson Lee

| State | Bill Number | Last Action | Status | Position | Priority | FN Outlook |
|-------|-------------|---|----------|----------|----------|------------|
| US | HR 54 | Referred To The House Committee On The Judiciary 2023 01 09 | In House | None | None | 8.4% 66.1% |

Title Federal Prison Bureau Nonviolent Offender Relief Act of 2023 **Introduction Date:** 2023-01-09

Description

Federal Prison Bureau Nonviolent Offender Relief Act of 2023 This bill establishes a new early release option for certain federal prisoners. Specifically, the Bureau of Prisons must release early an offender who has completed at least half of his or her sentence if such offender has attained age 45, has never been convicted of a crime of violence, and has not received any institutional disciplinary violations.

Primary Sponsors

Sheila Jackson Lee

| State | Bill Number | Last Action | Status | Position | Priority | FN Outlook |
|-------|-------------|---|----------|----------|----------|------------|
| US | HR 56 | Referred To The House Committee On The Judiciary 2023 01 09 | In House | None | None | 8.4% 62.9% |

Title Introduction Date: 2023-01-09
RAISE Act of 2023

Primary Sponsors
Sheila Jackson Lee

| State | Bill Number | Last Action | Status | Position | Priority | FN Outlook |
|-------|-------------|--|----------|----------|----------|------------|
| US | HR 62 | Referred To The Committee On Energy And Commerce And In Addition To The Committee On The Judiciary For A Period To Be Subsequently Determined By The Speaker In Each Case For Consideration Of Such Provisions As Fall Within The Jurisdiction Of The Committee Concerned 2023 01 09 | In House | None | None | 7.4% 69.4% |

Title Introduction Date: 2023-01-09
SHIELD Act

Description

Safeguard Healthcare Industry Employees from Litigation and Distress Act or the SHIELD Act This bill establishes a framework to limit interference with persons seeking to provide or access reproductive health services at the state level. For the purposes of this summary, interference with persons seeking to provide or access reproductive health services includes acts to prevent, restrict, impede, or retaliate against * a health care provider who provides reproductive health care services, * any person or entity who helps health care providers to provide such services, * any person who seeks to access such services, or * any person or entity who helps another person to access such services. First, the bill reduces the allocation of funds under certain law enforcement grant programs for a state that has in effect a law authorizing state or local officers or employees to interfere with persons seeking to provide or access reproductive health services. Second, the bill prohibits interference with persons seeking to provide or access reproductive health care services * by state or local officers or employees acting under color of law in any manner that would have a discriminatory effect on a woman, and * by persons who are not state or local officers or employees and are attempting to implement or enforce a state law in circumstances affecting interstate commerce. The bill authorizes civil remedies for a violation, including damages and injunctive relief. Additionally, it authorizes criminal penalties for a violation involving the use of a deadly or dangerous weapon or the infliction of bodily injury.

Primary Sponsors
Sheila Jackson Lee

| State | Bill Number | Last Action | Status | Position | Priority | FN Outlook |
|-------|-------------|---|----------|----------|----------|------------|
| US | HR 238 | Referred To The House Committee On The Judiciary 2023 01 10 | In House | None | None | 8.6% 66.1% |

Title Introduction Date: 2023-01-10
Residential Substance Use Disorder Treatment Act of 2023

Primary Sponsors
Sheila Jackson Lee

| State | Bill Number | Last Action | Status | Position | Priority | FN Outlook |
|-------|-------------|---|----------|----------|----------|------------|
| US | HR 444 | Referred To The House Committee On The Judiciary 2023 01 20 | In House | None | None | 5.0% 60.6% |

Title Introduction Date: 2023-01-20
End For-Profit Prisons Act of 2023

Description
End For-Profit Prisons Act of 2023 This bill establishes a framework to phase out existing Bureau of Prisons (BOP) and U.S. Marshals Service contracts with private companies for correctional facilities and community confinement facilities (e.g., halfway houses). The bill requires the Department of Justice to develop guidelines for community reintegration programs at community confinement facilities. In carrying out prerelease and reentry planning procedures, the bill requires the BOP to ensure prisoners receive information and counseling about criminal record expungement; educational, employment, and treatment programs; and applications for public assistance programs, a driver's license, and voter registration. The BOP must also provide prisoners with postrelease information about fines, assessments, surcharges, restitution, and other penalties.

Primary Sponsors
Bonnie Watson Coleman