

117TH CONGRESS
1ST SESSION

S. 1207

To amend title 18, United States Code, to require a Federal court to consider certain factors in imposing a sentence on a caretaker, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 19, 2021

Mr. WHITEHOUSE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to require a Federal court to consider certain factors in imposing a sentence on a caretaker, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community-Based
5 Sentencing Alternatives for Caretakers Act of 2021”.

6 **SEC. 2. FACTORS TO BE CONSIDERED IN IMPOSING A SEN-**
7 **TENCE ON A PRIMARY CARETAKER.**

8 (a) IN GENERAL.—Section 3553 of title 18, United
9 States Code, is amended—

10 (1) in subsection (a)—

1 (A) in paragraph (6), by striking “; and”
 2 and inserting a semicolon;

3 (B) in paragraph (7), by striking the pe-
 4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following new
 6 paragraph:

7 “(8) a community-based alternative sentence for
 8 a defendant if—

9 “(A) such defendant is a caretaker; and

10 “(B) the particular sentence to be imposed
 11 is for an offense that is not a violent offense
 12 under subsection (g).”; and

13 (2) by adding at the end the following new sub-
 14 section:

15 “(h) DEFINITIONS.—In this section:

16 “(1) COMMUNITY-BASED ALTERNATIVE SEN-
 17 TENCE.—

18 “(A) IN GENERAL.—The term ‘community-
 19 based alternative sentence’ means a sentence
 20 that may require the defendant to complete or
 21 participate in community-based programming,
 22 counseling, or other treatment or programming,
 23 as ordered by the court.

1 “(B) TYPES OF TREATMENT.—Communi-
2 nity-based programming, counseling, or other
3 treatment, includes—

4 “(i) drug counseling, treatment, or re-
5 habilitation programing;

6 “(ii) alcohol counseling, treatment, or
7 rehabilitation programing;

8 “(iii) individual or family counseling;

9 “(iv) family case management serv-
10 ices;

11 “(v) job training and job placement
12 programing;

13 “(vi) educational programming; or

14 “(vii) any other treatment or pro-
15 gramming determined to be appropriate by
16 the court.

17 “(2) CARETAKER.—The term ‘caretaker’ means
18 an individual who has consistently assumed substan-
19 tial responsibility for the housing, health, and safety
20 of a child, parent, or other immediate family mem-
21 ber, including an adult child or family member with
22 a disability, of such defendant.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on the date that is 90 days
3 after the date of the enactment of this Act.

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