

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S.** \_\_\_\_\_

To give Federal courts additional discretion to determine whether pretrial detention is appropriate for defendants charged with nonviolent drug offenses in Federal criminal cases.

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IN THE SENATE OF THE UNITED STATES

Mr. DURBIN (for himself, Mr. LEE, Mr. COONS, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To give Federal courts additional discretion to determine whether pretrial detention is appropriate for defendants charged with nonviolent drug offenses in Federal criminal cases.

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 “Smarter Pretrial De-  
5 tention for Drug Charges Act of 2026”.

1 **SEC. 2. RELEASE CONDITIONS AND DETENTION IN FED-**  
2 **ERAL CRIMINAL CASES.**

3 Section 3142 of title 18, United States Code, is  
4 amended—

5 (1) by striking “(42 U.S.C. 14135a)” each  
6 place it appears and inserting “(34 U.S.C. 40702)”;  
7 and

8 (2) in subsection (e)(3)—

9 (A) by striking subparagraph (A); and

10 (B) by redesignating subparagraphs (B),

11 (C), (D), and (E) as subparagraphs (A), (B),

12 (C), and (D), respectively.