

119TH CONGRESS
2D SESSION

S. 3960

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

IN THE SENATE OF THE UNITED STATES

MARCH 2, 2026

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 the Judiciary

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.

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