



U.S. Sentencing Commission

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NEWS RELEASE

Nov 18, 2015

STATEMENT ON BIPARTISAN SENTENCING REFORM LEGISLATION

House Judiciary Committee votes to approve the Sentencing Reform Act (H.R. 3713)

WASHINGTON, D.C. (November 18, 2015) —The United States Sentencing Commission (“Commission”) submitted a statement to the House Judiciary Committee analyzing key provisions of the Sentencing Reform Act (H.R. 3713), a bipartisan proposal that targets severe mandatory minimum penalties in the federal criminal justice system. The Committee voted to approve the measure today.

“This important Committee action reflects the growing bicameral, bipartisan support to reassess disproportionately harsh mandatory minimum sentences and unwarranted sentencing disparities. This bipartisan legislation will enhance and strengthen the safety of our communities and families while also bringing more fairness and consistency around mandatory minimum penalties,” says Chief Judge Patti B. Saris, current Chair of the Commission.

The Commission supports congressional efforts to adopt legislative proposals that track closely with its past policy recommendations. In October 2011, the Commission issued its *Report to the Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System*, which found that such mandatory sentencing penalties were often too severe, swept too broadly, and applied inconsistently. As a result of these research findings, the Commission proposed specific policy recommendations reflected in the legislation approved today.

Specifically, the Commission recommended that Congress reduce the mandatory minimum penalties for drug offenses and expand the statutory provision often referred to as “safety valve” to provide relief from the harsh mandatory minimum penalties to more low-level, non-violent drug offenders. The Commission also recommended that Congress reduce and limit the scope of certain recidivist sentencing enhancements that lead too quickly to life sentences, and called upon Congress to retroactively apply the Fair Sentencing Act of 2010.

H.R. 3713’s core policy goals are consistent with the longstanding recommendations by the Commission to Congress, particularly around mandatory minimum sentencing. In addition, consistent with the Commission’s own required process for retroactive eligibility under the drug sentencing guidelines last year, the proposed legislation would mandate judicial review of any

current offenders eligible for relief in order to ensure careful attention to public safety prior to any retroactive application of the new measure. According to the Commission's analysis, the legislation would impact the federal prison population as follows:

- Provide retroactive application of the Fair Sentencing Act, which would allow approximately 5,826 offenders currently in federal prison to seek an approximate 20 percent reduction in their sentence.
- Permit certain offenders who are currently subject to the 10-year mandatory minimum penalty to receive a 5-year mandatory minimum, which could impact 550 offenders annually.
- Broaden the "safety valve" to provide greater relief to more low-level, non-violent offenders, which we calculate would impact 3,314 offenders annually, by reducing their sentence nearly 20 percent, resulting in a decrease of 1,593 beds within the federal system after 5 years enactment of the bill.
- Reduce mandatory minimum sentences for prior drug felons by reducing the 20-year mandatory minimum to 15 years, and reducing the life imprisonment mandatory minimum to 25 years. This section of the bill, which is retroactive in application, could reduce the sentence of approximately 2,265 eligible offenders currently in prison.
- Require an intervening prior conviction to apply an enhanced mandatory minimum sentence for using a firearm in the commission of a violent crime or drug offense while also reducing the enhanced mandatory minimum from 25-years to 15-years. According to the Commission's analysis, this provision could impact 62 offenders annually, by reducing their sentence by 30.4 percent. Moreover, approximately 1,117 offenders currently in federal prison could be eligible to benefit from the retroactive relief provided under this bill.
- Reduce the mandatory minimum penalty under the Armed Career Criminal Act ("ACCA") from 15- to 10- years of imprisonment. The Commission estimates that approximately 277 offenders would benefit each year from the reduction in the ACCA mandatory minimum, with their average sentence reduced by 21.6 percent. If granted retroactive application, approximately 2,317 current federal offenders could seek a sentence reduction.

The Commission is encouraged to see bipartisan, bicameral progress on federal sentencing reform. This important legislation will result in significant improvements that will strengthen the effectiveness of the federal criminal justice system and enhance public safety outcomes across the nation. The Commission's full statement to the House Judiciary Committee as well as the 2011 *Report to the Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System* are available on its website, <http://www.ussc.gov>.

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The United States Sentencing Commission, an independent agency in the judicial branch of the federal government, was organized in 1985 to develop a national sentencing policy for the federal courts. The resulting sentencing guidelines provide structure for the courts' sentencing discretion to help ensure that similar offenders who commit similar offenses receive similar sentences.