






U.S. Sentencing Commission

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NEWS RELEASE

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UNITED STATES SENTENCING COMMISSION YESTERDAY SUBMITTED A STATEMENT EVALUATING THE IMPACT OF THE BIPARTISAN LEGISLATION MARKED UP BY THE SENATE JUDICIARY COMMITTEE TO REDUCE HARSH MANDATORY MINIMUMS.

Senate Judiciary Committee votes in favor of the Sentencing Reform and Corrections Act of 2015 (S. 2123)

WASHINGTON, D.C. (October 22, 2015) —Yesterday the United States Sentencing Commission (“Commission”) submitted a statement to the Senate Judiciary Committee’s analyzing several key provisions of the Sentencing Reform and Corrections Act (S. 2123), a bipartisan legislative measure aimed, in part, at lessening the severity of certain mandatory minimum penalties that was approved by the Committee today.

“I am pleased that the Senate Judiciary Committee voted to adopt legislation that follows to a significant degree some of the Commission’s longstanding recommendations. The Commission has taken modest steps to reduce the impact of drug mandatory minimum penalties, but only Congress can fix the problem.” says Judge Saris.

According to the Commission’s analysis, key provisions of S. 2123 would:

- Provide retroactive application of the Fair Sentencing Act (FSA), which could allow 5,826 offenders currently in prison to receive an approximate 20 percent reduction in sentence.
- Permit certain offenders who are currently subject to the 10-year mandatory minimum penalty to be subject to the 5-year mandatory minimum instead, which would reduce the sentence of 550 offenders annually by approximately 19.3 percent.
- Broaden the safety valve to provide greater relief to more low-level, non-violent offenders, which would reduce the sentence of 3,314 offenders annually by nearly 20 percent and save 1,593 federal prison beds within 5 years of enactment.
- Reduce mandatory minimum penalties for recidivist drug offenders with prior drug felony convictions from 20 years to 15 years, and reducing the mandatory life imprisonment penalty

for certain offenders to 25 years while both narrowing and expanding the types of prior offenses that could trigger a mandatory minimum.

- Reduce the mandatory minimum sentencing enhancement for using a firearm in the commission of a violent crime or drug offense from 25 years to 15 years, and narrow the circumstances in which multiple sentencing enhancements apply, which would reduce the sentence of 62 offenders annually by 30.4 percent.
- Reduces the mandatory minimum penalty under the Armed Career Criminal Act from 15 to 10 years, which would reduce the sentence of 277 offenders each year by approximately 21.6 percent. The bill would apply this provision retroactively, which, if granted, could result in a sentence reduction for 2,317 offender currently in federal prison.

The Commission has extensively researched the issue of mandatory minimum penalties and, in its 2011 report to Congress, found they were often too severe, swept too broadly, and were applied inconsistently. The Commission has 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 has recommended that Congress reduce and limit the scope of certain recidivist sentencing enhancements that lead too quickly to life sentences, and has called upon Congress to retroactively apply the FSA, which reduced the unfair disparity between crack and powder cocaine penalties.

In 2014 the Commission unanimously voted to reduce the guidelines in the Drug Quantity Table across drug types, which was estimated to reduce the sentences of approximately 70 percent of federal drug traffickers by 17 percent, saving 6,500 prison beds over five years. The Commission also unanimously voted to apply the lower drug guidelines retroactively, beginning on November 1, 2015. That action could result in approximately 40,000 offenders receiving a reduction in sentence of about 19 percent and a much more significant and immediate savings in prison beds.

The Commission’s full statement to the Senate Judiciary Committee is 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.