

Recidivism Reduction and Public Safety Act of 2014, S.1675, sponsored by Senator Cornyn (R-TX) and Senator Whitehouse (D-RI), 8 cosponsors

The Recidivism Reduction and Public Safety Act provides for prisoners who successfully participate in recidivism reduction programs or jobs to receive time credits which can be used to reduce the amount of time that the offender remains in prison. The offender can serve this credited time in “prerelease custody,” which means a halfway house or home confinement. Low-risk offenders are entitled to 10 days of credit for each 30 days of successful participation; moderate-risk and high-risk offenders can earn 5 days for each 30 days of successful participation. The bill requires the Department of Justice to develop a risk assessment tool or use an existing tool if it is found to be sufficiently effective. The tool should allow prisoners to be classified at the time of intake as low-, moderate-, or high-risk and then reevaluated periodically with consideration of their behavior and participation in programs while in prison. An offender must be classified as low-risk or be classified as moderate-risk but have reduced his or her risk level to be able to enter into prerelease custody. The legislation also directs the Bureau of Prisons to develop policies to provide other incentives for successful completion of recidivism reduction programming and productive activities, including additional telephone or visitation privileges for use with family, close friends, mentors and religious leaders. The legislation also allows for credits to be removed as punishment for misconduct. The incentives created in this bill are intended to be in addition to already existing incentives.

Smarter Sentencing Act of 2013, S. 1410, sponsored by Senator Durbin (D-IL) and Senator Lee (R-UT), 30 cosponsors.

The Smarter Sentencing Act would primarily do three things. First, it would expand the eligibility of the existing statutory safety valve for drug cases to those offenders with two criminal history points (the safety valve is currently only open to those with one or zero criminal history points). Second, it would make the Fair Sentencing Act, which reduced the disparity in sentences between crack and powder cocaine, retroactive. The U.S. Sentencing Commission made its guideline amendments following the Fair Sentencing Act retroactive, but the Act itself was not retroactive, so those people sentenced to mandatory minimum sentences applicable before the Act did not receive relief. Finally, the bill reduces drug mandatory minimum sentences currently set at 20 years to 10 years, those currently set at 10 years to 5 years, and those currently set at 5 years to 2 years. The bill includes a directive to the Commission to “review and amend, if appropriate,” the guidelines in accordance with the bill and also provides the Commission with emergency amendment authority.

Justice Safety Valve Act of 2013, S. 619, sponsored by Senator Leahy (D-VT) and Senator Paul (R-KY), 6 cosponsors.

The Justice Safety Valve Act would permit judges to sentence below the mandatory minimum in any case where the judge determined such a sentence was greater than necessary and would have an unjust result. The Act would require a judge to give parties notice of the intent to impose a sentence below the mandatory minimum and provide a written statement of factors relied upon in imposing the sentence.

Public Safety Enhancement Act of 2013, H.R. 2656, sponsored by Representative Chaffetz (R-UT), 26 cosponsors.

The Public Safety Enhancement Act provides for prisoners who successfully participate in recidivism reduction programs or jobs to receive up to 30 days of credit for 30 days of participation. Only low-risk offenders would be eligible to use the credits to reduce the amount of time that the offender remains in prison. The bill requires the Department of Justice to develop a risk assessment tool or use an existing tool. It also directs the Bureau of Prisons to develop policies to implement the program by developing new programs and administering risk and needs assessments for each prisoner.