

S 1410

Smarter Sentencing Act of 2014

Congress: 113 (2013–2015, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Jul 31, 2013

Current Status: Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights. Hearings

Latest Action: Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights. Hearings held. (Dec 9, 2014)

Official Text: <https://www.congress.gov/bill/113th-congress/senate-bill/1410>

Sponsor

Name: Sen. Durbin, Richard J. [D-IL]

Party: Democratic • **State:** IL • **Chamber:** Senate

Cosponsors (31 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Leahy, Patrick J. [D-VT]	D · VT		Jul 31, 2013
Sen. Lee, Mike [R-UT]	R · UT		Jul 31, 2013
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Nov 20, 2013
Sen. Paul, Rand [R-KY]	R · KY		Dec 18, 2013
Sen. King, Angus S., Jr. [I-ME]	I · ME		Jan 9, 2014
Sen. Flake, Jeff [R-AZ]	R · AZ		Jan 27, 2014
Sen. Heinrich, Martin [D-NM]	D · NM		Jan 27, 2014
Sen. Levin, Carl [D-MI]	D · MI		Jan 27, 2014
Sen. Cruz, Ted [R-TX]	R · TX		Jan 30, 2014
Sen. Gillibrand, Kirsten E. [D-NY]	D · NY		Feb 4, 2014
Sen. Cardin, Benjamin L. [D-MD]	D · MD		Feb 10, 2014
Sen. Murphy, Christopher [D-CT]	D · CT		Feb 24, 2014
Sen. Udall, Tom [D-NM]	D · NM		Feb 26, 2014
Sen. Landrieu, Mary L. [D-LA]	D · LA		Mar 10, 2014
Sen. Isakson, Johnny [R-GA]	R · GA		Mar 13, 2014
Sen. Kaine, Tim [D-VA]	D · VA		Mar 13, 2014
Sen. Booker, Cory A. [D-NJ]	D · NJ		Apr 2, 2014
Sen. Coons, Christopher A. [D-DE]	D · DE		Apr 2, 2014
Sen. Blumenthal, Richard [D-CT]	D · CT		Apr 3, 2014
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		Apr 3, 2014
Sen. Johnson, Ron [R-WI]	R · WI		Apr 3, 2014
Sen. Begich, Mark [D-AK]	D · AK		Apr 8, 2014
Sen. Mikulski, Barbara A. [D-MD]	D · MD		Apr 30, 2014
Sen. Sanders, Bernard [I-VT]	I · VT		Jun 4, 2014
Sen. Schatz, Brian [D-HI]	D · HI		Jun 9, 2014
Sen. Bennet, Michael F. [D-CO]	D · CO		Jul 7, 2014
Sen. Brown, Sherrod [D-OH]	D · OH		Jul 8, 2014
Sen. Baldwin, Tammy [D-WI]	D · WI		Jul 14, 2014
Sen. Murray, Patty [D-WA]	D · WA		Jul 28, 2014
Sen. Hirono, Mazie K. [D-HI]	D · HI		Jul 30, 2014
Sen. Warren, Elizabeth [D-MA]	D · MA		Jul 31, 2014

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Hearings By (subcommittee)	Dec 9, 2014

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
113 HR 3382	Identical bill	Jan 9, 2014: Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.

Smarter Sentencing Act of 2014 - (Sec. 2) Amends the federal criminal code to direct the court to impose a sentence for specified controlled substance offenses without regard to any statutory minimum sentence if the court finds that the defendant: (1) does not have more than two criminal history points; (2) has no prior convictions for any offense that has as an element the use, attempted use, or threatened use of physical force against another; and (3) has not been convicted of a specified firearm offense, sex offense, federal crime of terrorism, or racketeering offense or of conspiring to use and invest illicit drug profits.

(Sec. 3) Authorizes a court that imposed a sentence for a crack cocaine possession or trafficking offense committed before August 3, 2010, on motion of the defendant, the Director of the Bureau of Prisons, the attorney for the government, or the court, to impose a reduced sentence as if provisions of the Fair Sentencing Act of 2010 were in effect at the time such offense was committed, provided such sentence was not previously imposed or reduced under such Act or such a motion wasn't previously denied.

(Sec. 4) Amends the Controlled Substances Act (CSA) and the Controlled Substances Import and Export Act (CSIEA) to reduce mandatory minimum sentences for manufacturing, distributing, dispensing, possessing, importing, or exporting specified controlled substances.

(Sec. 5) Directs the U.S. Sentencing Commission to review and amend its guidelines and policy statements applicable to persons convicted of such an offense under the CSA and CSIEA to ensure consistency with this Act and to consider specified factors, including: (1) its mandate to formulate guidelines to minimize the likelihood that the federal prison population will exceed federal prison capacity; (2) fiscal implications of changes; (3) relevant public safety concerns; (4) the intent of Congress that severe sentences for violent, repeat, and serious drug traffickers who present public safety risks remain in place; and (5) the need to reduce and prevent racial disparities in sentencing. Requires the Commission to: (1) promulgate such guidelines, policy statements, or amendments by no later than 120 days after the date of enactment of this Act, and (2) make such conforming amendments to the federal sentencing guidelines as necessary to achieve consistency with other guideline provisions and applicable law.

(Sec. 6) Requires the Attorney General to report to the House and Senate Judiciary Committees on how the reduced expenditures on federal corrections and cost savings resulting from this Act will be used to help reduce overcrowding in the Federal Bureau of Prisons, increase investment in law enforcement and crime prevention, and reduce recidivism.

(Sec. 7) Directs the Attorney General to submit a report listing all criminal statutory offenses and including for each offense: (1) a list of the elements of the offense, (2) the potential criminal penalty for the offense, (3) the number of prosecutions for the offense brought by the Department of Justice (DOJ) in each of the 15 years preceding this Act's enactment, and (4) the mens rea requirement for the offense.

Requires the head of each of specified federal agencies to submit a report listing all criminal regulatory offenses enforceable by such agency and including for each offense: (1) the potential criminal penalty, (2) the number of violations referred to DOJ for prosecution in each of the 15 years preceding this Act's enactment, and (3) the mens rea requirement.

Requires the Attorney General and each agency head to establish a publicly accessible index of each such offense and make the index available and freely accessible on DOJ's and the agency's websites.

(Sec. 8) Amends the federal criminal code to establish a five-year minimum term of imprisonment for aggravated sexual

abuse, sexual abuse, sexual abuse of a minor or ward, and sexual abuse-related offenses resulting in death.

(Sec. 9) Provides for enhanced penalties for interstate domestic violence if a victim dies, if the victim is permanently disfigured or suffers a life threatening bodily injury, if serious bodily injury to the victim results, or if the offender uses a dangerous weapon during the offense.

(Sec. 10) Amends the International Emergency Economic Powers Act and the Trading with the Enemy Act to establish a five-year minimum term of imprisonment for certain unlawful acts involving: (1) the provision of defense articles or defense services to a state sponsor of terrorism, a foreign terrorist organization, or person on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury for an activity relating to support for international terrorism or the proliferation of weapons of mass destruction; or (2) the exportation of goods or services to any person in connection with a program of a foreign country or foreign person to develop weapons of mass destruction.

Amends the Arms Export Control Act to establish a five-year minimum term of imprisonment for a criminal violation of such Act that involves the export of defense articles or defense services to: (1) a state sponsor of terrorism, (2) a foreign terrorist organization, (3) a person on the Office of Foreign Assets Control list, or (4) any person in connection with a program of a foreign country or foreign person to develop weapons of mass destruction.

Amends a federal criminal code prohibition against the smuggling of goods from the United States to establish a five-year minimum term of imprisonment if the merchandise, article, or object smuggled: (1) is a defense article and was exported or sent to a state sponsor of terrorism, a foreign terrorist organization, or person on the Office of Foreign Assets Control list; or (2) was exported or sent to any person in connection with a program of a foreign country or foreign person to develop weapons of mass destruction.

Actions Timeline

- **Dec 9, 2014:** Committee on the Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights. Hearings held.
- **Mar 11, 2014:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Mar 11, 2014:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 320.
- **Jan 30, 2014:** Committee on the Judiciary. Ordered to be reported with an amendment favorably.
- **Jul 31, 2013:** Introduced in Senate
- **Jul 31, 2013:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S6129-6130)