

## S 2123

Sentencing Reform and Corrections Act of 2015

**Congress:** 114 (2015–2017, Ended)

**Chamber:** Senate

**Policy Area:** Crime and Law Enforcement

**Introduced:** Oct 1, 2015

**Current Status:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 279.

**Latest Action:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 279. (Oct 26, 2015)

**Official Text:** <https://www.congress.gov/bill/114th-congress/senate-bill/2123>

### Sponsor

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**Name:** Sen. Grassley, Chuck [R-IA]

**Party:** Republican • **State:** IA • **Chamber:** Senate

## Cosponsors (36 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Booker, Cory A. [D-NJ]	D · NJ		Oct 1, 2015
Sen. Cornyn, John [R-TX]	R · TX		Oct 1, 2015
Sen. Durbin, Richard J. [D-IL]	D · IL		Oct 1, 2015
Sen. Graham, Lindsey [R-SC]	R · SC		Oct 1, 2015
Sen. Leahy, Patrick J. [D-VT]	D · VT		Oct 1, 2015
Sen. Lee, Mike [R-UT]	R · UT		Oct 1, 2015
Sen. Schumer, Charles E. [D-NY]	D · NY		Oct 1, 2015
Sen. Scott, Tim [R-SC]	R · SC		Oct 1, 2015
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Oct 1, 2015
Sen. Coons, Christopher A. [D-DE]	D · DE		Oct 8, 2015
Sen. Tillis, Thomas [R-NC]	R · NC		Oct 8, 2015
Sen. Blumenthal, Richard [D-CT]	D · CT		Oct 21, 2015
Sen. Feinstein, Dianne [D-CA]	D · CA		Oct 21, 2015
Sen. Flake, Jeff [R-AZ]	R · AZ		Oct 21, 2015
Sen. Franken, Al [D-MN]	D · MN		Oct 21, 2015
Sen. Moran, Jerry [R-KS]	R · KS		Oct 21, 2015
Sen. Klobuchar, Amy [D-MN]	D · MN		Oct 22, 2015
Sen. Portman, Rob [R-OH]	R · OH		Oct 26, 2015
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		Nov 4, 2015
Sen. Paul, Rand [R-KY]	R · KY		Nov 4, 2015
Sen. Burr, Richard [R-NC]	R · NC		Nov 9, 2015
Sen. Kaine, Tim [D-VA]	D · VA		Nov 9, 2015
Sen. Gillibrand, Kirsten E. [D-NY]	D · NY		Nov 10, 2015
Sen. Roberts, Pat [R-KS]	R · KS		Nov 10, 2015
Sen. Ernst, Joni [R-IA]	R · IA		Nov 17, 2015
Sen. Murray, Patty [D-WA]	D · WA		Nov 17, 2015
Sen. Blunt, Roy [R-MO]	R · MO		Dec 3, 2015
Sen. Warner, Mark R. [D-VA]	D · VA		Dec 3, 2015
Sen. Bennet, Michael F. [D-CO]	D · CO		Apr 28, 2016
Sen. Daines, Steve [R-MT]	R · MT		Apr 28, 2016
Sen. Kirk, Mark Steven [R-IL]	R · IL		Apr 28, 2016
Sen. Manchin, Joe, III [D-WV]	D · WV		Apr 28, 2016
Sen. Mikulski, Barbara A. [D-MD]	D · MD		Apr 28, 2016
Sen. Nelson, Bill [D-FL]	D · FL		Apr 28, 2016
Sen. Brown, Sherrod [D-OH]	D · OH		Jul 14, 2016
Sen. Heller, Dean [R-NV]	R · NV		Jul 14, 2016

## Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Oct 26, 2015

## Subjects & Policy Tags

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### Policy Area:

Crime and Law Enforcement

### Related Bills

Bill	Relationship	Last Action
114 HR 3713	Related bill	<b>Dec 23, 2016:</b> Placed on the Union Calendar, Calendar No. 698.
114 S 238	Related bill	<b>Mar 9, 2016:</b> Became Public Law No: 114-133.
114 S 1965	Related bill	<b>Aug 5, 2015:</b> Read twice and referred to the Committee on the Judiciary. (Sponsor introductory remarks on measure: CR S6387-6388)
114 HR 472	Related bill	<b>Feb 19, 2015:</b> Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.
114 S 449	Related bill	<b>Feb 11, 2015:</b> Read twice and referred to the Committee on the Judiciary.
114 S 467	Related bill	<b>Feb 11, 2015:</b> Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S939-944)

## **Sentencing Reform and Corrections Act of 2015**

### **TITLE I--SENTENCING REFORM**

(Sec. 101) This bill amends the Controlled Substances Act and the Controlled Substances Import and Export Act to reduce from life to 25 years and from 20 to 15 years the enhanced mandatory minimum prison terms imposed on certain nonviolent defendants convicted of high-level repeat drug offenses (including unlawful import, export, manufacture, or distribution of, or possession with intent to distribute a controlled substance). A high-level drug offense involves a very substantial drug quantity (e.g., one kilogram or more of heroin). Additionally, the bill limits the prior convictions which trigger the enhanced mandatory minimum prison terms. A court may apply the reductions retroactively, after considering certain factors.

(Sec. 102) It amends the federal criminal code to expand safety valve eligibility to permit a court to impose a sentence below the mandatory minimum for certain nonviolent, cooperative drug defendants with a limited criminal history.

(Sec. 103) A court may impose a reduced 5-year (instead of a statutory 10-year) mandatory minimum prison term for certain nonviolent, cooperative defendants convicted of a high-level first-time or low-level repeat drug offense. A low-level drug offense involves a substantial drug quantity (e.g., 100 grams to 999 grams of heroin).

(Sec. 104) The bill reduces from 25 to 15 years the enhanced mandatory minimum prison term for a defendant who uses a firearm in a crime of violence or drug offense after a prior conviction for such offense. A court may apply the reductions retroactively, after considering certain factors.

(Sec. 105) It reduces from 15 to 10 years the enhanced mandatory minimum prison term for an armed career criminal convicted of unlawful firearm possession after three prior convictions for violent felonies or serious drug offenses. A court may apply the reductions retroactively, after considering certain factors.

(Sec. 106) The Fair Sentencing Act of 2010 applies retroactively to allow a court to reduce the prison term of a convicted crack cocaine offender sentenced before August 3, 2010.

(Sec. 107) It amends the federal criminal code to create a 10-year mandatory minimum prison term for interstate domestic violence that results in a victim's death.

(Sec. 108) The bill amends the International Emergency Economic Powers Act to create a five-year mandatory minimum prison term for providing goods and services to terrorists or a state sponsor of terrorism, to any person in connection with development of weapons of mass destruction, or to a country subject to an arms embargo.

(Sec. 109) The Department of Justice (DOJ) must report to Congress on and publish all federal criminal statutory offenses. Each executive agency must report to Congress on and publish all criminal regulatory offenses enforceable by the agency.

### **TITLE II--CORRECTIONS ACT**

*Corrections Oversight, Recidivism Reduction, and Eliminating Costs for Taxpayers In Our National System Act of 2015 or the CORRECTIONS Act*

(Sec. 202) DOJ must review existing recidivism reduction programs and productive activities (e.g., a prison work program). The Bureau of Prisons (BOP) must expand offerings to all eligible prisoners. Certain prisoners who successfully complete a recidivism reduction program or productive activity are eligible to earn time credits and other incentives (e.g., additional telephone or visitation privileges).

(Sec. 203) DOJ must develop the Post-Sentencing Risk and Needs Assessment System for use by the BOP to assess prisoner recidivism and violence risk and ensure appropriate housing, grouping, and program assignments.

(Sec. 204) The bill amends the federal criminal code to allow pre-release custody for an additional period of time equal to a prisoner's earned time credits for successful completion of recidivism reduction programs or productive activities. A prisoner may serve the additional period of pre-release custody in a residential reentry center, on home confinement, or on community supervision.

(Sec. 205) DOJ must report to Congress on: (1) activities carrying out this title, including any budgetary savings; (2) prison work programs; (3) recidivism rates of released prisoners; and (4) effectiveness of recidivism reduction programs and productive activities on various prisoner categories.

(Sec. 206) The bill requires presentence investigation reports to include certain information such as substance abuse history, military service, and veteran status. The Administrative Office of the United States Courts must establish a supervised release pilot program to reduce recidivism and improve substance abuse recovery.

(Sec. 207) The BOP must issue pepper spray to its officers and employees for use in reducing violent acts.

(Sec. 208) DOJ must: (1) evaluate reentry best practices and create reentry demonstration projects in judicial districts, and (2) report on reentry impact in communities disproportionately affected.

(Sec. 209) A court may reduce the prison term and impose supervised release for a defendant convicted as an adult for an offense committed as a juvenile if the defendant has served 20 years in custody and the court, after considering certain factors, determines that release poses no public safety danger.

(Sec. 210) It amends the Second Chance Act of 2007 to make permanent a pilot program for elderly offender early release and expand program eligibility to include terminally ill offenders. The bill modifies elderly offender eligibility criteria by lowering from 65 to 60 the qualifying age and reducing from 75% to two-thirds the required portion of completed prison term. An eligible terminally ill offender is a nonviolent offender who meets specified criteria and is either terminally ill or at a nursing home.

(Sec. 211) This bill establishes a process to seal and expunge juvenile records related to a juvenile nonviolent offense. A juvenile record includes a court, law enforcement, or government agency record. A juvenile nonviolent offense is a criminal offense or firearm violation committed before age 18 that is not a violent offense, terrorism, or misdemeanor domestic violence.

A court must automatically seal the juvenile records of a juvenile nonviolent offender (i.e., a person adjudicated delinquent for a juvenile nonviolent offense) three years after such offender completes probation, detention, or supervision. Seal means to close from public viewing and physically seal shut. A court must provide notice of automatic sealing and the benefits of such sealing. The bill creates a process for a juvenile nonviolent offender to petition for early sealing of such records. It prohibits intentional disclosure of a sealed juvenile record, except in specified circumstances, and subjects a violator to a fine, up to one year in prison, or both. A law enforcement agency may access sealed records

to determine first-time-offender diversion program eligibility, for investigatory or prosecutorial purposes, or for background checks.

A court must automatically expunge the juvenile records related to: (1) a juvenile nonviolent offender who commits an offense before age 15 and completes probation, detention, or supervision before age 18 on the date such offender attains age 18; (2) a juvenile who is arrested but not adjudicated for a juvenile nonviolent offense; and (3) a juvenile who is adjudicated and found not delinquent. Expunge means to destroy a record and obliterate from the public record the name to whom such record pertains. A court must provide notice of automatic expungement and the benefits of such expungement. A juvenile nonviolent offender who commits an offense on or after age 15 may petition to expunge related juvenile records. The Administrative Office of the U.S. Courts must create a universal expungement petition form. A court must provide notice, conduct a hearing, and grant or deny the petition after considering specified factors. It must appoint counsel for nonviolent juvenile offender who has not attained age 18.

If a court orders the sealing or expungement of a juvenile record, then related proceedings are deemed never to have occurred.

(Sec. 212) It prohibits juvenile solitary confinement, except as a temporary response to behavior that poses a serious and immediate risk of harm.

(Sec. 213) The bill amends the federal judicial code to require DOJ to establish and report to Congress on procedures for the prompt release of accurate criminal and arrest records exchanged for employment-related purposes through the Federal Bureau of Investigation background check system.

It sets forth required procedures, including requirements for DOJ to: (1) promptly correct inaccurate records; (2) complete or verify incomplete records; (3) notify reporting jurisdiction of any action to correct, complete, or verify an inaccurate or incomplete record; and (4) notify a job applicant of the right to obtain and review a record, and provide an opportunity for such applicant to challenge the record's accuracy and completeness.

Additionally, it prohibits from inclusion in an employment-related exchange records related to: (1) an arrest more than two years old that was not disposed of; (2) a nonserious offense such as drunkenness, vagrancy, disturbing the peace, loitering, or curfew violation; or (3) a circumstance that is not clearly an arrest or disposition of an arrest.

## **Actions Timeline**

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- **Oct 26, 2015:** Committee on the Judiciary. Reported by Senator Grassley with an amendment in the nature of a substitute. Without written report.
- **Oct 26, 2015:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 279.
- **Oct 22, 2015:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Oct 19, 2015:** Committee on the Judiciary. Hearings held.
- **Oct 1, 2015:** Introduced in Senate
- **Oct 1, 2015:** Read twice and referred to the Committee on the Judiciary. (Sponsor introductory remarks on measure: CR S7104)