

SENATE UPDATE: SMARTER SENTENCING ACT – S. 1410

Sponsors: Senators Mike Lee (R-UT) and Richard Durbin (D-IL)

On January 30, 2014, the U.S. Senate Judiciary Committee passed S. 1410, the Smarter Sentencing Act, with several important changes and amendments. As amended, S. 1410:

- **Saves billions spent on incarcerating nonviolent drug offenders** – The bill doesn't repeal mandatory minimum drug sentences, but reduces them. The bill also very narrowly expands the "safety valve" exception so that the lowest-level offenders with negligible criminal records do not receive mandatory sentences. This will save billions of dollars, reduce dangerous overcrowding in federal prisons, and ensure that the Justice Department can continue to provide full funding for law enforcement, victims' services, and reentry.
- **Remedies a long-standing racial injustice and strengthens black communities** – The bill permits 8,800 federal prisoners (87% of which are black) who are imprisoned for crack cocaine crimes to return to court to seek fairer punishments in line with the Fair Sentencing Act, a unanimously-passed measure that reduced the racially discriminatory disparity between crack and powder cocaine sentences in 2010. Sentence reductions are not automatic, and courts have ably handled similar requests from even larger numbers of people in the past.
- **Addresses over-criminalization** – The bill requires the DOJ and other federal agencies to compile, and make publicly available on their websites, lists of all federal laws and regulations, their criminal penalties, and the intent required to violate the law. This addresses bipartisan concerns about "over-criminalization," the fear that there are too many federal laws and regulations carrying criminal penalties and insufficient intent requirements.
- **Adds new mandatory minimum sentences** – Amendments to the Senate bill added new 5-year minimums for sexual abuse and terrorism offenses and a 10-year minimum for interstate domestic violence. Victims' rights groups oppose the 5- and 10-year minimums for sexual abuse and domestic violence because these sentences make it less likely that victims will report their abusers and get the help they need.

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