

The Justice Safety Valve Act: S. 1127/H.R. 2435 (115th Congress)

Why We Need the Justice Safety Valve Act: Mandatory minimum sentences are failed policies.

- These one-size-fits all sentences do not allow judges to make the punishment fit the crime and each unique offender's role, culpability, criminal history, and needs for rehabilitation.
- Mandatory minimum sentences produce unjust and absurd results, wasting limited prison cells and taxpayer dollars on unnecessarily lengthy prison terms for people who pose little threat to public safety.
- Countless studies, including one from the National Institute of Justice, have found that mandatory minimums do not deter future crime, and in some instances can raise the risk of recidivism for certain offenders.

The Justice Safety Valve Act creates checks and balances that make sentencing fairer.

- Currently, prosecutors have unreviewable power to bring charges that carry mandatory minimum sentences, and judges cannot act as a check on that power. The Justice Safety Valve Act fixes this.
- Under the bill, judges can give a sentence other than the mandatory minimum term if doing so fulfills the purposes of punishment set by Congress (e.g., just punishment, rehabilitation, public safety).
- Judges using the safety valve must notify the prosecution in advance and explain the reasons for the new sentence in writing. Prosecutors can appeal the judge's sentencing decision.
- The justice safety valve would not give judges unchecked authority to sentence defendants to unreasonably short sentences. Judges must base their below-minimum sentences on the criteria listed in 18 U.S.C. § 3553(a) and consider the sentencing guidelines, not merely substitute their own judgment for the dictates of Congress.
- The Justice Safety Valve Act is not retroactive. The bill would not release any current prisoners early.

The Justice Safety Valve protects the public and taxpayers.

- The Justice Safety Valve Act would ensure that the federal government no longer wastes resources incarcerating people longer than public safety demands, reserving longer sentences and prison space for those who pose the most serious threats to public safety.
- The federal government spent \$7.4 billion on federal prisons in 2016 alone. Allowing judges to depart from harsh mandatory sentences will save millions for taxpayers. Those savings can be reinvested in more effective crime prevention, victim services, and tools for police and prosecutors.
- Over 30 states, including Georgia, South Carolina, Iowa, and Massachusetts, have reformed or eliminated their mandatory sentencing laws in the last 30 years, and the results have been the same: reduced prison populations and increased public safety.

The Justice Safety Valve Act has broad bipartisan support.

- The justice safety valve has been introduced in both the House and Senate by bipartisan partnerships.
- Outside of Congress, the bill has received support from conservative thought leaders like David Keene and Grover Norquist, as well as liberal advocates like the ACLU and NAACP.