

| | A | B | C | D | E |
|---|---|---|---|---|--|
| 1 | | SAFE Justice Act, H.R. 2944 | Sentencing Reform and Corrections Act, S. 2123 | Sentencing Reform Act, H.R. 3713 | Smarter Sentencing Act, S. 502/H.R. 920 |
| 2 | | (learn more) | (learn more) | (learn more) | (learn more) |
| 3 | SENTENCING POLICIES | | | | |
| 4 | Mandatory minimum penalties for drug trafficking | <p>Restricts 5-and 10-year mandatory minimum sentences to the managers, supervisors, leaders, and organizers of drug trafficking organizations</p> <p>RETROACTIVE: Yes</p> | | <p>Adds mandatory consecutive sentence of up to 5 years for crimes involving fentanyl</p> | <p>Reduces 5-year mandatory minimum to 2 years</p> <p>Reduces 10-year mandatory minimum to 5 years</p> <p>RETROACTIVE: No</p> |
| 5 | Mandatory minimum drug recidivist enhancements | <p>More narrowly defines which prior drug offenses can trigger enhanced mandatory minimum penalties by</p> <ul style="list-style-type: none"> - Requiring they be drug trafficking offenses - Requiring that they have occurred in the last 10 years <p>Reduces the mandatory recidivist enhancement for two or more prior triggering offenses from life to 35 years</p> <p>RETROACTIVE: Yes, eligible for resentencing</p> | <p>More narrowly defines which prior drug offenses can trigger enhanced mandatory minimum penalties by</p> <ul style="list-style-type: none"> - Requiring they be drug trafficking offenses <p>Expands the prior offenses that can trigger longer mandatory minimum sentences to include prior "serious violent felonies"</p> <p>Reduces the mandatory recidivist enhancement for a prior triggering offense from 20 years to 15 years</p> <p>Reduces the mandatory recidivist enhancement for two or more prior triggering offenses from life to 25 years</p> <p>RETROACTIVE: Yes, eligible for resentencing</p> | <p>Same as Senate's Sentencing Reform and Corrections Act, S. 2123</p> <p>RETROACTIVE: Only for those who don't have prior 3-point serious violent felony conviction</p> | <p>Reduces the mandatory recidivist enhancement for a prior drug offense from 20 years to 10 years</p> <p>Reduces the mandatory recidivist enhancement for two or more prior drug offenses from life to 25 years (Senate bill) or 20 years (House bill)</p> <p>RETROACTIVE: No</p> |
| 6 | Mandatory minimums for weapons offenses | <p>Restricts application of 25-year mandatory minimum for second or subsequent offenses to cases in which the prior offense has become final</p> <p>More narrowly defines possession as carrying, brandishing or use of weapon</p> <p>RETROACTIVE: Yes, eligible for resentencing</p> | <p>Reduces the mandatory minimum for gun possession (924(e)) by a person with a felony record from 15 years to 10 years</p> <p>Increases the statutory maximum punishment for gun possession by a person with a felony record from 10 years to 15 years</p> <p>Reduces 25-year mandatory minimum for second or subsequent offense of gun possession in the course of a drug trafficking offense (924(c)) to 15 years</p> <p>Restricts application of mandatory minimum for second or subsequent offenses of gun possession in the course of a drug trafficking offense (924(c)) to cases in which the prior offense has become final</p> <p>Expands the prior offenses that can trigger mandatory minimum sentences for second or subsequent offenses of gun possession in the course of a drug trafficking offense (924(c)) to include prior final State law convictions for crimes of violence that had, as an element, the carrying, brandishing, or use of a gun</p> <p>RETROACTIVE: Yes, eligible for resentencing</p> | <p>Same as Senate's Sentencing Reform and Corrections Act, S. 2123</p> <p>RETROACTIVE: Yes, eligible for resentencing unless the person has a prior conviction for a "serious violent felony"</p> | |
| 7 | Broadening the existing safety valve for drug trafficking mandatory minimums | <p>Expands eligibility for the existing safety valve to include gun possession crimes that occurred as part of a drug trafficking offense and to include defendants with up to 3 criminal history points</p> <p>RETROACTIVE: No</p> | <p>Expands eligibility for the existing safety valve to defendants with up to 4 criminal history points and no 3-point or 2-point felony convictions, and also allows court to waive these criminal history requirements in certain cases</p> <p>RETROACTIVE: No</p> | <p>Same as Senate's Sentencing Reform and Corrections Act, S. 2123</p> <p>RETROACTIVE: No</p> | <p>Expands eligibility for the existing safety valve to defendants in criminal history categories I or II</p> <p>RETROACTIVE: No</p> |

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| 8 | Creates a new safety valve for drug trafficking mandatory minimums | Creates a new safety valve for drug trafficking offenders facing 5- and 10-year mandatory minimums allowing the court to make any departure from the mandatory minimum regardless of criminal history when <ul style="list-style-type: none"> - the court finds mental illness, substance abuse, financial, emotional distress, trauma suffered during military service or victim of abuse or domestic violence - the crime did not include violence, threats of violence, result in death or serious bodily injury and was not convicted of a continuing criminal enterprise - the defendant cooperated with the government RETROACTIVE: No | Creates a new safety valve for drug trafficking offenders facing 10-year mandatory minimum sentences, allowing the court to depart down to a 5-year mandatory minimum prison term if the defendant: <ul style="list-style-type: none"> - has no prior conviction for a "serious drug felony" or a "serious violent felony" - did not play a leadership role in the offense - did not exercise substantial authority or control over the criminal activity of a criminal organization, act as an importer or exporter, high-level distributor or supplier, wholesaler, or manufacturer - did not sell drugs to or with a person under age 18 - did not possess a gun - did not use violence or threats - no death or serious bodily injury resulted - the defendant cooperated with the government RETROACTIVE: No | Same as Senate's Sentencing Reform and Corrections Act, S. 2123 RETROACTIVE: No | |
| 9 | Fair Sentencing Act | Applies FSA retroactively; allows previously sentenced offenders to petition for resentencing under new drug trafficking laws RETROACTIVE: Yes | Applies FSA retroactively; allows previously sentenced offenders to petition for resentencing under new drug trafficking laws, unless they filed a petition that was previously granted or denied RETROACTIVE: Yes, unless any previous request for a crack sentence reduction was granted or denied | Applies FSA retroactively; allows some previously sentenced offenders to petition for resentencing under new drug trafficking laws RETROACTIVE: Yes, unless they received a prior reduction of their crack drug guideline sentence (not mandatory minimum) | Applies FSA retroactively; allows previously sentenced offenders to petition for resentencing under new drug trafficking laws, unless they filed a petition that was previously granted or denied RETROACTIVE: Yes, unless any previous request for a crack sentence reduction was granted or denied |
| 10 | Juvenile life sentences | | Allows eligible offenders sentenced as juveniles to life without parole to petition courts for resentencing after serving 20 years of their sentences | | |
| 11 | Simple drug possession | Eliminates federal criminal penalties for simple drug possession in state jurisdictions | | | |
| 12 | Presumptive probation | Directs the Sentencing Commission to expand its use of probation for first-time, nonviolent offenders | | | |
| 13 | Sentencing Guidelines | Directs the Sentencing Commission to readjust drug sentencing guidelines; Allows courts to disregard conduct for which the defendant was acquitted when imposing sentence under the guidelines | | | |
| 14 | Determining drug quantity for sentencing purposes | Restores discretion to judges to determine to what extent manipulated conduct that results from fictitious law enforcement "stings" may be considered in court | | | |
| 15 | RELEASE POLICIES | | | | |
| 16 | Good time credit calculation | Clarifies statute to ensure that inmates can earn a full 15% off of their sentences for good behavior (currently BOP only calculates 12.5%) | | | |
| 17 | Compassionate release | Allows a petition for early release of prisoners who are at least 60 years old and have either a serious health condition or upon the death or incapacitation of the primary caregiver of the inmate's child Eligibility: All offense types eligible except inmates convicted of homicide, terrorism, or sex offenses RETROACTIVE: Yes | Allows a petition for early release of prisoners who are at least 60 years old and have served the greater of 10 years or 2/3 of their sentence or who require a nursing home or are terminally ill Eligibility: Inmates convicted of nonviolent offenses RETROACTIVE: Yes | | |

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| 18 | Earned time credits for completing programs | <p>Expands earned time to allow inmates to earn 10 days of credit off of their sentences for every 30 days (30% earned time) for participating in individualized case plans designed to reduce their likelihood of reoffending and, at the end of their sentences.</p> <p>Allows inmates to be released early to post-prison supervision (not another form of confinement, like a halfway house)</p> <p>Eligibility: nonviolent offenders</p> <p>RETROACTIVE: No</p> | <p>Depending on risk level and current conviction, allows some federal prisoners to earn 5-10 days of credit off of their prison term for every 30 days (15% earned time) for participating in individualized case plans designed to reduce their likelihood of reoffending</p> <p>Allows some low and moderate-risk offenders to be transferred to "pre-release custody" to be served in a half-way house, home confinement, or intensive supervision</p> <p>Eligibility: nonviolent, first-time federal offenders who are assessed as low risk to reoffend are eligible for 30% and those assessed as moderate risk to reoffend are eligible for 15%; prisoners with prior federal convictions; 13+ criminal history points; convictions for federal crimes of violence, child exploitation, sex offenses, continuing criminal enterprise, fraud offenses with a resulting prison sentence of 15+ years, bribery, graft, political corruption, identity theft, honest services fraud, obstruction of justice, racketeering, child abuse.</p> <p>RETROACTIVE: No</p> | | |
| 19 | Graduated sanctions | Requires technical violations of probation and post-prison supervision to be sanctioned swiftly, certainly, and proportionately | | | |
| 20 | Revocation caps | Places a 60-day limit on the amount of time an offender can be returned to prison for a technical violation of probation or post-prison supervision and eliminates mandatory revocation to prison for simple drug possession | | | |
| 21 | Earned credits for supervision | Allows offenders on federal probation or post-prison supervision to earn time for complying with the terms of their supervision | | | |
| 22 | Specialty courts | Encourages judicial districts to open drug, veteran, and mental health and other problem solving courts | | | |
| 23 | Pilot programs | Establishes a performance incentive funding pilot program to reward judicial districts for reducing their revocations to prison | Establishes a reentry demonstration project to pilot promising reentry programs in judicial districts | | |
| 24 | Performance-based contracts | Requires contracts for half-way houses to include performance deliverables related to recidivism reduction | | | |
| 25 | ADDITIONAL POLICIES | | | | |
| 26 | Correctional officers tools and training | <p>Creates mental health and de-escalation training programs for prison personnel</p> <p>Allows correctional officers to carry and use pepper spray but requires training and evaluations of the practice</p> | Allows correctional officers to carry and use pepper spray but requires training and evaluations of the practice | | |
| 27 | Regulatory offenses | <p>Requires compilation and public disclosure of all criminal statutory offenses, all regulatory statutory offenses, all punishments, and all mens rea requirements</p> <p>Allows victims of regulatory over-criminalization to contact the inspector general</p> <p>Requires executive branch agencies to obtain prior approval from the Attorney General for each new criminal penalty resulting from an agency regulation, and approval to be conditioned on a 5 year sunset</p> | Requires compilation and public disclosure of all criminal statutory offenses, all regulatory statutory offenses, all punishments, and all mens rea requirements | | Requires compilation and public disclosure of all criminal statutory offenses, all regulatory statutory offenses, all punishments, and all mens rea requirements |

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| 28 | Pretrial | Requires the AG to create and implement policies to safely reduce pre-trial detention | | | |
| | Fiscal impact statement | Requires fiscal impact statements for sentencing and corrections bills | | | |
| 29 | | Requires sentencing cost analyses to be disclosed in pre-sentencing reports | | | |
| 30 | Expungement | | Creates process for expungement of juvenile records | | |