

	A	B	C	D	E
1		SAFE Justice Act, H.R. 2944 (learn more)	Sentencing Reform and Corrections Act, S. 2123 (learn more)	Sentencing Reform Act, H.R. 3713 (learn more)	Smarter Sentencing Act, S. 502/H.R. 920 (learn more)
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3			SENTENCING POLICIES		
4	Mandatory minimum penalties for drug trafficking	Restricts 5-and 10-year mandatory minimum sentences to the managers, supervisors, leaders, and organizers of drug trafficking organizations RETROACTIVE: Yes		Adds mandatory consecutive sentence of up to 5 years for crimes involving fentanyl RETROACTIVE: No	Reduces 5-year mandatory minimum to 2 years Reduces 10-year mandatory minimum to 5 years RETROACTIVE: No
5	Mandatory minimum drug recidivist enhancements	More narrowly defines which prior drug offenses can trigger enhanced mandatory minimum penalties by - Requiring they be drug trafficking offenses - Requiring that they have occurred in the last 10 years Reduces the mandatory recidivist enhancement for two or more prior triggering offenses from life to 35 years RETROACTIVE: Yes, eligible for resentencing	More narrowly defines which prior drug offenses can trigger enhanced mandatory minimum penalties by - Requiring they be drug trafficking offenses Expands the prior offenses that can trigger longer mandatory minimum sentences to include prior "serious violent felonies" Reduces the mandatory recidivist enhancement for a prior triggering offense from 20 years to 15 years Reduces the mandatory recidivist enhancement for two or more prior triggering offenses from life to 25 years RETROACTIVE: Yes, eligible for resentencing	Same as Senate's Sentencing Reform and Corrections Act, S. 2123 RETROACTIVE: Only for those who don't have prior 3-point serious violent felony conviction	Reduces the mandatory recidivist enhancement for a prior drug offense from 20 years to 10 years Reduces the mandatory recidivist enhancement for two or more prior drug offenses from life to 25 years (Senate bill) or 20 years (House bill) RETROACTIVE: No
6	Mandatory minimums for weapons offenses	Restricts application of 25-year mandatory minimum for second or subsequent offenses to cases in which the prior offense has become final More narrowly defines possession as carrying, brandishing or use of weapon RETROACTIVE: Yes, eligible for resentencing	Reduces the mandatory minimum for gun possession (924(e)) by a person with a felony record from 15 years to 10 years Increases the statutory maximum punishment for gun possession by a person with a felony record from 10 years to 15 years 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 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 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 RETROACTIVE: Yes, eligible for resentencing	Same as Senate's Sentencing Reform and Corrections Act, S. 2123 RETROACTIVE: Yes, eligible for resentencing unless the person has a prior conviction for a "serious violent felony"	
7	Broadening the existing safety valve for drug trafficking mandatory minimums	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 RETROACTIVE: No	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 RETROACTIVE: No	Same as Senate's Sentencing Reform and Corrections Act, S. 2123 RETROACTIVE: No	Expands eligibility for the existing safety valve to defendants in criminal history categories I or II RETROACTIVE: No

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2	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	
8	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
9	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		
10	Simple drug possession	Eliminates federal criminal penalties for simple drug possession in state jurisdictions			
11	Presumptive probation	Directs the Sentencing Commission to expand its use of probation for first-time, nonviolent offenders			
12	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			
13	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			
14		R E L E A S E P O L I C I E S			
15	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%)			
16	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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	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>		
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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>	<p>Allows correctional officers to carry and use pepper spray but requires training and evaluations of the practice</p>		
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>	<p>Requires compilation and public disclosure of all criminal statutory offenses, all regulatory statutory offenses, all punishments, and all mens rea requirements</p>		<p>Requires compilation and public disclosure of all criminal statutory offenses, all regulatory statutory offenses, all punishments, and all mens rea requirements</p>

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