

114TH CONGRESS
1ST SESSION

H. R. 759

To enhance public safety by improving the effectiveness and efficiency of the Federal prison system with offender risk and needs assessment, individual risk reduction incentives and rewards, and risk and recidivism reduction.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2015

Mr. CHAFFETZ (for himself, Mr. RICHMOND, Mr. GOWDY, and Mr. JEFFRIES) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To enhance public safety by improving the effectiveness and efficiency of the Federal prison system with offender risk and needs assessment, individual risk reduction incentives and rewards, and risk and recidivism reduction.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Recidivism Risk Re-
5 duction Act”.

6 **SEC. 2. PURPOSES.**

7 The purposes of the Act are to—

1 (1) enhance public safety by improving the ef-
2 fectiveness and efficiency of the Federal prison sys-
3 tem, and to reduce the recidivism rates of Federal
4 offenders;

5 (2) establish offender risk and needs assess-
6 ment as the cornerstone of a more effective and effi-
7 cient Federal prison system;

8 (3) implement a validated post-sentencing risk
9 and needs assessment system that relies on dynamic
10 risk factors to provide Federal prison officials with
11 a roadmap to address the individual criminogenic
12 needs of Federal offenders, manage limited re-
13 sources, and enhance public safety;

14 (4) enhance existing recidivism reduction pro-
15 grams and prison jobs by incentivizing Federal pris-
16 oners to reduce their individual risk of recidivism by
17 participating and successfully completing such pro-
18 grams, and by satisfactorily holding such jobs over
19 time;

20 (5) reward Federal prisoners who actually re-
21 duce their individual risk of recidivism by providing
22 them with the ability to earn and accrue time cred-
23 its, and to transfer into prerelease custody when
24 they are assessed as low risk and have earned suffi-
25 cient time credits;

1 (6) expand the implementation of evidence-
2 based intervention and treatment programs designed
3 to reduce recidivism, including educational and voca-
4 tional training programs, and prison jobs, so all
5 Federal prisoners have access to them during their
6 entire terms of incarceration;

7 (7) perform regular outcome evaluations of pro-
8 grams and interventions to assure that they are evi-
9 dence-based and to suggest changes, deletions, and
10 expansions based on the results; and

11 (8) assist the Department of Justice to address
12 the underlying cost structure of the Federal prison
13 system and ensure that the Department can con-
14 tinue to run our prisons safely and securely without
15 compromising the scope or quality of the Depart-
16 ment's many other critical law enforcement missions.

17 **SEC. 3. DUTIES OF THE ATTORNEY GENERAL.**

18 (a) IN GENERAL.—The Attorney General shall carry
19 out this section in consultation with—

20 (1) the Director of the Bureau of Prisons;

21 (2) the Director of the Administrative Office of
22 the United States Courts;

23 (3) the Director of the Office of Probation and
24 Pretrial Services; and

1 (4) the Director of the National Institute of
2 Justice.

3 (b) DUTIES.—The Attorney General shall, in accord-
4 ance with subsection (c)—

5 (1) develop an offender risk and needs assess-
6 ment system in accordance with section 4;

7 (2) develop recommendations regarding recidi-
8 vism reduction programs and productive activities in
9 accordance with section 5;

10 (3) conduct ongoing research and data analysis
11 on—

12 (A) the best practices relating to the use of
13 offender risk and needs assessment tools;

14 (B) the best available risk and needs as-
15 sessment tools and the level to which they rely
16 on dynamic risk factors that could be addressed
17 and changed over time, and on measures of risk
18 of recidivism, individual needs, and responsivity
19 to recidivism reduction programs;

20 (C) the most effective and efficient uses of
21 such tools in conjunction with recidivism reduc-
22 tion programs, productive activities, incentives,
23 and rewards; and

24 (D) which recidivism reduction programs
25 are the most effective—

1 (i) for prisoners classified at different
2 recidivism risk levels; and

3 (ii) for addressing the specific needs
4 of prisoners;

5 (4) on a biennial basis, review the system devel-
6 oped under paragraph (1) and the recommendations
7 developed under paragraph (2), using the research
8 conducted under paragraph (3), to determine wheth-
9 er any revisions or updates should be made, and if
10 so, make such revisions or updates;

11 (5) hold periodic meetings with the individuals
12 listed in subsection (a) at intervals to be determined
13 by the Attorney General; and

14 (6) report to Congress in accordance with sec-
15 tion 6.

16 (c) METHODS.—In carrying out the duties under sub-
17 section (b), the Attorney General shall—

18 (1) consult relevant stakeholders; and

19 (2) make decisions using data that is based on
20 the best available statistical and empirical evidence.

21 **SEC. 4. POST-SENTENCING RISK AND NEEDS ASSESSMENT**
22 **SYSTEM.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of the enactment of this Act, the Attorney General
25 shall develop and release for use by the Bureau of Prisons

1 an offender risk and needs assessment system, to be
2 known as the “Post-Sentencing Risk and Needs Assess-
3 ment System” (referred to in this Act as the “System”),
4 which shall provide risk and needs assessment tools (devel-
5 oped under subsection (b)) in order to, for each prisoner—

6 (1) classify the recidivism risk level of prisoners
7 as low, moderate, or high as part of the intake proc-
8 ess, and assign the prisoner to appropriate recidi-
9 vism reduction programs or productive activities
10 based on that classification, the prisoner’s specific
11 needs, and in accordance with subsection (c);

12 (2) reassess the recidivism risk level of pris-
13 oners periodically, and reassign the prisoner to ap-
14 propriate recidivism reduction programs or produc-
15 tive activities based on the revised classification, the
16 specific needs of the prisoner, and the successful
17 completion of recidivism reduction programs in ac-
18 cordance with subsection (d); and

19 (3) determine when a prisoner who has been
20 classified as having a low recidivism risk level is
21 ready to transfer into prerelease custody in accord-
22 ance with subsection (d).

23 (b) RISK AND NEEDS ASSESSMENT TOOLS.—

24 (1) IN GENERAL.—The Attorney General shall
25 develop the risk and needs assessment tools to be

1 used in the System developed under subsection (a)
2 by using the research and data analysis conducted
3 under section 3(b)(3) on the best available risk and
4 needs assessment tools available as of the date of the
5 enactment of this Act, and determining, using the
6 methods described in section 3(c), how to make the
7 most effective and efficient tools to accomplish for
8 each prisoner, the assessments described in para-
9 graphs (1) through (3) of subsection (a).

10 (2) USE OF EXISTING RISK AND NEEDS ASSESS-
11 MENT TOOLS PERMITTED.—In carrying out this sub-
12 section, the Attorney General may determine that
13 the best available risk and needs assessment tools
14 available as of the date of the enactment of this Act
15 are sufficiently effective and efficient for the purpose
16 of accomplishing for each prisoner, the assessments
17 described in paragraphs (1) through (3) of sub-
18 section (a), and may determine that those are the
19 tools to be used in the System instead of developing
20 new tools.

21 (3) VALIDATION ON PRISONERS.—In carrying
22 out this subsection, the Attorney General shall sta-
23 tistically validate any tools that the Attorney Gen-
24 eral selects for use in the System on the Federal

1 prison population, or ensure that the tools have been
2 so validated.

3 (c) ASSIGNMENT OF RECIDIVISM REDUCTION PRO-
4 GRAMS.—The System shall provide guidance on the kind
5 and amount of recidivism reduction programming or pro-
6 ductive activities that should be assigned for each classi-
7 fication of prisoner and shall provide—

8 (1) that the higher the risk level of a prisoner,
9 the more programming the prisoner shall participate
10 in;

11 (2) information on the best ways that the Bu-
12 reau of Prisons can tailor the programs to the spe-
13 cific needs of each prisoner so as to best lower each
14 prisoner's risk of recidivating; and

15 (3) that all prisoners, even those classified as
16 having a low or no risk of recidivating, shall partici-
17 pate in recidivism reduction programs or productive
18 activities throughout their entire term of incarcer-
19 ation.

20 (d) RECIDIVISM REDUCTION PROGRAM AND PRODUC-
21 TIVE ACTIVITY INCENTIVES AND REWARDS.—The System
22 shall provide incentives and rewards for prisoners to par-
23 ticipate in and complete recidivism reduction programs
24 and productive activities as follows:

1 (1) FAMILY PHONE AND VISITATION PRIVI-
2 LEGES.—A prisoner who is successfully participating
3 in a recidivism reduction program or a productive
4 activity shall receive, for use with family (including
5 extended family), close friends, mentors, and reli-
6 gious leaders—

7 (A) up to 30 minutes per day, and up to
8 900 minutes per month that the prisoner is per-
9 mitted to use the phone; and

10 (B) additional time for visitation at the
11 prison, as determined by the warden of the pris-
12 on.

13 (2) TIME CREDITS.—

14 (A) IN GENERAL.—A prisoner who suc-
15 cessfully participates in a recidivism reduction
16 program or productive activity shall receive
17 time credits as follows:

18 (i) Prisoners who have been classified
19 as having a low risk of recidivism shall
20 earn 30 days of time credits for each
21 month that they successfully participate in
22 a recidivism reduction program or produc-
23 tive activity.

24 (ii) Prisoners who have been classified
25 as having a moderate risk of recidivism

1 shall earn 15 days of time credits for each
2 month that they successfully participate in
3 a recidivism reduction program.

4 (iii) Prisoners who have been classi-
5 fied as having a high risk of recidivism
6 shall earn 8 days of time credits for each
7 month that they successfully participate in
8 a recidivism reduction program.

9 (B) AVAILABILITY.—A prisoner may not
10 receive time credits under this paragraph for a
11 recidivism reduction program or productive ac-
12 tivity that the prisoner successfully participated
13 in—

14 (i) prior to the date of the enactment
15 of this Act; or

16 (ii) during official detention prior to
17 the date that the prisoner's sentence com-
18 mences under section 3585(a) of title 18,
19 United States Code.

20 (C) PRERELEASE CUSTODY.—A prisoner
21 who is classified as having a low risk of recidi-
22 vism, who has earned time credits in an amount
23 that is equal to the remainder of the prisoner's
24 imposed term of imprisonment, and who has
25 been determined by the warden of the prison to

1 be otherwise qualified for prerelease custody,
2 shall be eligible to be transferred into prerelease
3 custody in accordance with section 3624(c)(3)
4 of title 18, United States Code. The System
5 shall provide guidelines, for use by the Bureau
6 of Prisons for prisoners placed in home confine-
7 ment under section 3624(c)(3) of title 18,
8 United States Code, for different levels of su-
9 pervision and consequences based on the pris-
10 oner's conduct, including a return to prison and
11 a reassessment of recidivism risk level under
12 the System as a result of certain behavior.

13 (D) INELIGIBLE PRISONERS.—A prisoner
14 convicted of an offense under any of the fol-
15 lowing provisions of law shall be ineligible to re-
16 ceive time credits:

17 (i) Section 113(a)(1) of title 18,
18 United States Code, relating to assault
19 with intent to commit murder.

20 (ii) Section 115 of title 18, United
21 States Code, relating to influencing, im-
22 peding, or retaliating against a Federal of-
23 ficial by injuring a family member, except
24 for a threat made in violation of that sec-
25 tion.

1 (iii) Any section of chapter 10 of title
2 18, United States Code, relating to biologi-
3 cal weapons.

4 (iv) Any section of chapter 11B of
5 title 18, United States Code, relating to
6 chemical weapons.

7 (v) Section 351 of title 18, United
8 States Code, relating to Congressional,
9 Cabinet, and Supreme Court assassination,
10 kidnapping, and assault.

11 (vi) Section 793 of title 18, United
12 States Code, relating to gathering, trans-
13 mitting, or losing defense information.

14 (vii) Section 794 of title 18, United
15 States Code, relating to gathering or deliv-
16 ering defense information to aid a foreign
17 government.

18 (viii) Any section of chapter 39,
19 United States Code, relating to explosives
20 and other dangerous articles, except for
21 section 836 (relating to the transportation
22 of fireworks into a State prohibiting sale
23 or use).

24 (ix) Section 842(p) of title 18, United
25 States Code, relating to distribution of in-

1 formation relating to explosive, destructive
2 devices, and weapons of mass destruction,
3 but only if the conviction involved a weap-
4 on of mass destruction (as defined in sec-
5 tion 2332a(c)(2) of such title).

6 (x) Subsections (f)(3), (i), or (h) of
7 section 844 of title 18, United States
8 Code, relating to the use of fire or an ex-
9 plosive.

10 (xi) Section 924(e) of title 18, United
11 States Code, relating to unlawful posses-
12 sion of a firearm by a person with 3 or
13 more convictions for a violent felony or a
14 serious drug offense.

15 (xii) Section 1030(a)(1) of title 18,
16 United States Code, relating to fraud and
17 related activity in connection with com-
18 puters.

19 (xiii) Any section of chapter 51 of
20 title 18, United States Code, relating to
21 homicide, except for section 1112 (relating
22 to manslaughter), 1115 (relating to mis-
23 conduct or neglect of ship officers), or
24 1122 (relating to protection against the
25 human immunodeficiency virus).

1 (xiv) Any section of chapter 55 of title
2 18, United States Code, relating to kidnap-
3 ping.

4 (xv) Any offense under chapter 77 of
5 title 18, United States Code, relating to
6 peonage, slavery, and trafficking in per-
7 sons, except for sections 1592 through
8 1596.

9 (xvi) Section 1751 of title 18, United
10 States Code, relating to Presidential and
11 Presidential staff assassination, kidnap-
12 ping, and assault.

13 (xvii) Section 1841(a)(2)(C) of title
14 18, United States Code, relating to inten-
15 tionally killing or attempting to kill an un-
16 born child.

17 (xviii) Section 1992 of title 18, United
18 States Code, relating to terrorist attacks
19 and other violence against railroad carriers
20 and against mass transportation systems
21 on land, on water, or through the air.

22 (xix) Section 2113(e) of title 18,
23 United States Code, relating to bank rob-
24 bery resulting in death.

1 (xx) Section 2118(c)(2) of title 18,
2 United States Code, relating to robberies
3 and burglaries involving controlled sub-
4 stances resulting in death.

5 (xxi) Section 2119(3) of title 18,
6 United States Code, relating to taking a
7 motor vehicle (commonly referred to as
8 “carjacking”) that results in death.

9 (xxii) Any section of chapter 105 of
10 title 18, United States Code, relating to
11 sabotage, except for section 2152.

12 (xxiii) Any section of chapter 109A of
13 title 18, United States Code, relating to
14 sexual abuse, except that with regard to
15 section 2244 of such title, only a conviction
16 under subsection (c) of that section (relat-
17 ing to abusive sexual contact involving
18 young children) shall make a prisoner in-
19 eligible under this subparagraph.

20 (xxiv) Section 2251 of title 18, United
21 States Code, relating to the sexual exploi-
22 tation of children.

23 (xxv) Section 2251A of title 18,
24 United States Code, relating to the selling
25 or buying of children.

1 (xxvi) Any of paragraphs (1) through
2 (3) of section 2252(a) of title 18, United
3 States Code, relating to certain activities
4 relating to material involving the sexual ex-
5 ploitation of minors.

6 (xxvii) A second or subsequent convic-
7 tion under any of paragraphs (1) through
8 (6) of section 2252A(a) of title 18, United
9 States Code, relating to certain activities
10 relating to material constituting or con-
11 taining child pornography.

12 (xxviii) Section 2260 of title 18,
13 United States Code, relating to the produc-
14 tion of sexually explicit depictions of a
15 minor for importation into the United
16 States.

17 (xxix) Section 2283 of title 18, United
18 States Code, relating to the transportation
19 of explosive, biological, chemical, or radio-
20 active or nuclear materials.

21 (xxx) Section 2284 of title 18, United
22 States Code, relating to the transportation
23 of terrorists.

1 (xxxi) Section 2291 of title 18, United
2 States Code, relating to the destruction of
3 a vessel or maritime facility.

4 (xxxii) Any section of chapter 113B of
5 title 18, United States Code, relating to
6 terrorism.

7 (xxxiii) Section 2340A of title 18,
8 United States Code, relating to torture.

9 (xxxiv) Section 2381 of title 18,
10 United States Code, relating to treason.

11 (xxxv) Section 2442 of title 18,
12 United States Code, relating to the recruit-
13 ment or use of child soldiers.

14 (xxxvi) Section 57(b) of the Atomic
15 Energy Act of 1954 (42 U.S.C. 2077(b)),
16 relating to the engagement or participation
17 in the development or production of special
18 nuclear material.

19 (xxxvii) Section 92 of the Atomic En-
20 ergy Act of 1954 (42 U.S.C. 2122), relat-
21 ing to prohibitions governing atomic weap-
22 ons.

23 (xxxviii) Section 101 of the Atomic
24 Energy Act of 1954 (42 U.S.C. 2131), re-

1 relating to the atomic energy license require-
2 ment.

3 (xxxix) Section 224 or 225 of the
4 Atomic Energy Act of 1954 (42 U.S.C.
5 2274, 2275), relating to the communica-
6 tion or receipt of restricted data.

7 (xl) Section 236 of the Atomic Energy
8 Act of 1954 (42 U.S.C. 2284), relating to
9 the sabotage of nuclear facilities or fuel.

10 (xli) Section 60123(b) of title 49,
11 United States Code, relating to damaging
12 or destroying a pipeline facility.

13 (xlii) Section 401(a) of the Controlled
14 Substances Act (21 U.S.C. 841(a)), relat-
15 ing to manufacturing or distributing a con-
16 trolled substance, but only in the case of a
17 conviction for an offense described in sub-
18 paragraphs (A), (B), or (C) of subsection
19 (b) of that section for which death or seri-
20 ous bodily injury resulted from the use of
21 such substance.

22 (xliii) Section 276(a) of the Immigra-
23 tion and Nationality Act (8 U.S.C.
24 1326(b)(1)(2)), relating to the reentry of a
25 removed alien, but only if the alien is de-

1 scribed in paragraph (1) or (2) of sub-
2 section (b) of that section.

3 (xliv) Any section of the Export Ad-
4 ministration Act of 1979 (50 U.S.C. App.
5 2401 et seq.).

6 (xlv) Section 206 of the International
7 Emergency Economic Powers Act (50
8 U.S.C. 1705).

9 (xlvi) Section 601 of the National Se-
10 curity Act of 1947 (50 U.S.C. 3121), relat-
11 ing to the protection of identities of certain
12 United States undercover intelligence offi-
13 cers, agents, informants, and sources.

14 (xlvii) A third or subsequent convic-
15 tion of—

16 (I) any crime of violence (as such
17 term is defined in section 3156(a)(4)
18 of title 18, United States Code); or

19 (II) any drug trafficking offense.

20 (3) RISK REASSESSMENTS AND LEVEL ADJUST-
21 MENT.—A prisoner who successfully participates in
22 recidivism reduction programs or productive activi-
23 ties shall receive periodic risk reassessments (with
24 high and moderate risk level prisoners receiving
25 more frequent risk reassessments), and if the reas-

1 assessment shows that the prisoner's risk level or spe-
2 cific needs have changed, the Bureau of Prisons
3 shall so change the prisoner's risk level or informa-
4 tion regarding the prisoner's specific needs and reas-
5 sign the prisoner to appropriate recidivism reduction
6 programs or productive activities based on such
7 changes.

8 (4) RELATION TO OTHER INCENTIVE PRO-
9 GRAMS.—The incentives described in this subsection
10 shall be in addition to any other rewards or incen-
11 tives for which a prisoner may be eligible.

12 (e) PENALTIES.—The System shall provide guidelines
13 for the Bureau of Prisons to reduce rewards earned under
14 subsection (d) for prisoners who violate prison, recidivism
15 reduction program, or productive activity rules, which
16 shall provide—

17 (1) general levels of violations and resulting re-
18 ward reductions;

19 (2) that any reward reduction that includes the
20 forfeiture of time credits shall be limited to time
21 credits that a prisoner earned as of the date of the
22 prisoner's rule violation, and not to any future cred-
23 its that the prisoner may earn; and

24 (3) guidelines for the Bureau of Prisons to es-
25 tablish a procedure to restore time credits that a

1 prisoner forfeited as a result of a rule violation
2 based on the prisoner's individual progress after the
3 date of the rule violation.

4 (f) BUREAU OF PRISONS TRAINING.—The Attorney
5 General shall develop training programs for Bureau of
6 Prisons officials and employees responsible for admin-
7 istering the System, which shall include—

8 (1) initial training to educate employees and of-
9 ficials on how to use the System in an appropriate
10 and consistent manner, as well as the reasons for
11 using the System;

12 (2) continuing education; and

13 (3) periodic training updates.

14 (g) QUALITY ASSURANCE.—In order to ensure that
15 the Bureau of Prisons is using the System in an appro-
16 priate and consistent manner, the Attorney General shall
17 monitor and assess the use of the System, which shall in-
18 clude conducting periodic audits of the Bureau of Prisons
19 regarding the use of the System.

20 **SEC. 5. RECIDIVISM REDUCTION PROGRAM AND PRODUC-**
21 **TIVE ACTIVITY RECOMMENDATIONS.**

22 The Attorney General shall—

23 (1) review the effectiveness of recidivism reduc-
24 tion programs and productive activities that exist as

1 of the date of the enactment of this Act in prisons
2 operated by the Bureau of Prisons;

3 (2) review recidivism reduction programs and
4 productive activities that exist in State-operated
5 prisons throughout the United States; and

6 (3) make recommendations to the Bureau of
7 Prisons regarding—

8 (A) the expansion of programming and ac-
9 tivity capacity and the replication of effective
10 programs and activities described in paragraph
11 (1); and

12 (B) the addition of any new effective pro-
13 grams and activities that the Attorney General
14 finds, using the methods described in section
15 3(c), would help to reduce recidivism.

16 **SEC. 6. REPORT.**

17 Beginning on January 1, 2016, and annually there-
18 after, the Attorney General shall submit a report to the
19 Committees on the Judiciary of the Senate and the House
20 of Representatives and the Subcommittees on Commerce,
21 Justice, Science, and Related Agencies of the Committees
22 on Appropriations of the Senate and the House of Rep-
23 resentatives, a report that contains the following:

1 (1) A summary of the activities and accomplish-
2 ments of the Attorney General in carrying out this
3 Act.

4 (2) An assessment of the status and use of the
5 System by the Bureau of Prisons, including the
6 number of prisoners classified at each risk level
7 under the System at each prison.

8 (3) A summary and assessment of the types
9 and effectiveness of the recidivism reduction pro-
10 grams and productive activities in prisons operated
11 by the Bureau of Prisons, including—

12 (A) evidence about which programs and ac-
13 tivities have been shown to reduce recidivism;

14 (B) the capacity of each program and ac-
15 tivity at each prison, including the number of
16 prisoners along with the risk level of each pris-
17 oner enrolled in each program; and

18 (C) identification of any gaps or shortages
19 in capacity of such programs and activities.

20 (4) An assessment of the Bureau of Prisons’
21 compliance with section 3621(h) of title 18, United
22 States Code.

23 (5) An assessment of progress made toward
24 carrying out the purposes of this Act, including any
25 savings associated with—

1 (A) the transfer of low risk prisoners into
2 prerelease custody under this Act and the
3 amendments made by this Act; and

4 (B) any decrease in recidivism that may be
5 attributed to the implementation of the System
6 or the increase in recidivism reduction pro-
7 grams and productive activities required by this
8 Act and the amendments made by this Act.

9 **SEC. 7. USE OF SYSTEM AND RECOMMENDATIONS BY BU-**
10 **REAU OF PRISONS.**

11 (a) IMPLEMENTATION OF SYSTEM GENERALLY.—
12 Section 3621 of title 18, United States Code, is amended
13 by adding at the end the following:

14 “(h) POST-SENTENCING RISK AND NEEDS ASSESS-
15 MENT SYSTEM.—

16 “(1) IN GENERAL.—Not later than 180 days
17 after the Attorney General completes and releases
18 the Post-Sentencing Risk and Needs Assessment
19 System (referred to in this subsection as the ‘Sys-
20 tem’) developed under the Public Safety Enhance-
21 ment Act of 2015, the Bureau of Prisons shall—

22 “(A) implement the System and complete a
23 risk and needs assessment for each prisoner, re-
24 gardless of a prisoner’s length of imposed term
25 of imprisonment; and

1 “(B) expand the effective recidivism reduc-
2 tion programs (as such term is defined under
3 section 8 of the Public Safety Enhancement Act
4 of 2015) and productive activities it offers and
5 add any new recidivism reduction programs and
6 productive activities necessary to effectively im-
7 plement the System, and in accordance with the
8 recommendations made by the Attorney General
9 under section 5 of that Act and with paragraph
10 (2).

11 “(2) PHASE-IN.—In order to carry out para-
12 graph (1), so that every prisoner has the opportunity
13 to participate in and complete the kind and amount
14 of recidivism reduction programming or productive
15 activities in order to effectively implement the Sys-
16 tem and that the Attorney General recommends, the
17 Bureau of Prisons shall, subject to the availability of
18 appropriations, provide such recidivism reduction
19 programs and productive activities—

20 “(A) for not less than 20 percent of pris-
21 oners by the date that is one year after the date
22 on which the Bureau of Prisons completes a
23 risk and needs assessment for each prisoner
24 under paragraph (1)(A);

1 “(B) for not less than 40 percent of pris-
2 oners by the date that is 2 years after the date
3 on which the Bureau of Prisons completes a
4 risk and needs assessment for each prisoner
5 under paragraph (1)(A);

6 “(C) for not less than 60 percent of pris-
7 oners by the date that is 3 years after the date
8 on which the Bureau of Prisons completes a
9 risk and needs assessment for each prisoner
10 under paragraph (1)(A);

11 “(D) for not less than 80 percent of pris-
12 oners by the date that is 4 years after the date
13 on which the Bureau of Prisons completes a
14 risk and needs assessment for each prisoner
15 under paragraph (1)(A); and

16 “(E) for all prisoners by the date that is
17 5 years after the date on which the Bureau of
18 Prisons completes a risk and needs assessment
19 for each prisoner under paragraph (1)(A) and
20 thereafter.

21 “(3) PRIORITY DURING PHASE-IN.—During the
22 phase-in period described in paragraph (2), the pri-
23 ority for such programs and activities shall be ac-
24 corded based on, in order, the following:

1 “(A) The recidivism risk level of prisoners
2 (as determined by the System’s risk and needs
3 assessment), with low risk prisoners receiving
4 first priority, moderate risk prisoners receiving
5 second priority, and high risk prisoners receiv-
6 ing last priority.

7 “(B) Within each such risk level, a pris-
8 oner’s proximity to release date.

9 “(4) PRELIMINARY EXPANSION OF RECIDIVISM
10 REDUCTION PROGRAMS AND AUTHORITY TO USE IN-
11 CENTIVES.—Beginning on the date of the enactment
12 of the Public Safety Enhancement Act of 2015, the
13 Bureau of Prisons may begin to expand any recidi-
14 vism reduction programs and productive activities
15 that exist at a prison as of such date, and may offer
16 to prisoners who successfully participate in such pro-
17 gramming and activities the incentives and rewards
18 described in—

19 “(A) section 4(d)(1) of such Act; and

20 “(B) section 4(d)(2)(A) of such Act, except
21 a prisoner may receive up to 30 days of time
22 credits for each recidivism reduction program or
23 productive activity in which the prisoner suc-
24 cessfully participates, with the amount of time

1 credits to be determined by the warden of the
2 prison.

3 “(5) RECIDIVISM REDUCTION PARTNERSHIPS.—

4 In order to expand recidivism reduction programs
5 and productive activities, the Bureau of Prisons
6 shall develop policies for the warden of each prison
7 to enter into partnerships with any of the following:

8 “(A) Nonprofit organizations, including
9 faith-based and community-based organizations
10 that will deliver a recidivism reduction program
11 in a prison, on a paid or volunteer basis.

12 “(B) Institutions of higher education (as
13 defined in section 101 of the Higher Education
14 Act of 1965 20 U.S.C. 1001) that will deliver
15 an academic class in a prison, on a paid or vol-
16 unteer basis.

17 “(C) Private entities that will, on a volun-
18 teer basis—

19 “(i) deliver vocational training and
20 certifications in a prison;

21 “(ii) provide equipment to facilitate
22 vocational training or employment opportu-
23 nities for prisoners;

24 “(iii) employ prisoners; or

1 “(iv) assist prisoners in prerelease
2 custody or supervised release in finding
3 employment.”.

4 (b) PRERELEASE CUSTODY.—

5 (1) IN GENERAL.—Section 3624(c) of title 18,
6 United States Code, is amended—

7 (A) by redesignating paragraphs (3)
8 through (6) as paragraphs (4) through (7), ac-
9 cordingly;

10 (B) by inserting after paragraph (2) the
11 following:

12 “(3) PRISONERS WITH A LOW RISK OF
13 RECIDIVATING.—In the case of a prisoner that has
14 been classified under the Post-Sentencing Risk and
15 Needs Assessment System developed under the Pub-
16 lic Safety Enhancement Act of 2015 as having a low
17 risk of recidivating, has earned time credits in an
18 amount that is equal to the remainder of the pris-
19 oner’s imposed term of imprisonment, and has been
20 classified by the warden of the prison as otherwise
21 qualified to be transferred into prerelease custody,
22 the following shall apply:

23 “(A) The warden of the prison shall sub-
24 mit a recommendation that the prisoner be
25 transferred into prerelease custody to the

1 United States district court in which the pris-
2 oner was convicted, and a judge for such court
3 shall, not later than 30 days after the warden
4 submits such recommendation, approve or deny
5 the recommendation; however, a judge may only
6 deny a recommendation to transfer a prisoner
7 into prerelease custody under this paragraph if
8 the judge finds by clear and convincing evidence
9 that the prisoner should not be transferred into
10 prerelease custody based only on evidence of the
11 prisoner's actions after the conviction of such
12 prisoner and not based on evidence from the
13 underlying conviction, and submits a detailed
14 written statement regarding such finding to the
15 warden of the prison recommending that the
16 prisoner be transferred into prerelease custody.

17 “(B) The failure of a judge to approve or
18 deny a recommendation to transfer at the end
19 of the 30-day period described in subparagraph
20 (A) shall be treated as an approval of such rec-
21 ommendation.

22 “(C) Upon the approval of a recommenda-
23 tion under subparagraph (A) or 30 days after
24 the warden submits a recommendation, which-
25 ever occurs earlier, the prisoner shall be placed

1 in home confinement, provided that the prisoner
2 will be able to stay in a residence that the war-
3 den approves, and the time limits under para-
4 graphs (1) and (2) shall not apply.

5 “(D) The prisoner shall remain in home
6 confinement until the prisoner has served not
7 less than 85 percent of the prisoner’s imposed
8 term of imprisonment.

9 “(E) The warden shall use the guidelines
10 developed by the Attorney General under sec-
11 tion 4(d)(2)(C) of the Public Safety Enhance-
12 ment Act of 2015 to determine the level of su-
13 pervision and consequences for certain actions
14 for a prisoner transferred into prerelease cus-
15 tody under this paragraph.”.

16 (2) EFFECTIVE DATE.—The amendments made
17 by this subsection shall take effect beginning on the
18 date that the Attorney General completes and re-
19 leases the Post-Sentencing Risk and Needs Assess-
20 ment System.

21 **SEC. 8. DEFINITIONS.**

22 In this Act the following definitions apply:

23 (1) RISK AND NEEDS ASSESSMENT TOOL.—The
24 term “risk and needs assessment tool” means an ob-
25 jective and statistically validated method through

1 which information is collected and evaluated to de-
2 termine—

3 (A) the level of risk that a prisoner will
4 recidivate upon release from prison; and

5 (B) the recidivism reduction programs that
6 will best minimize the risk that the prisoner will
7 recidivate upon release from prison.

8 (2) RECIDIVISM REDUCTION PROGRAM.—The
9 term “recidivism reduction program” means either a
10 group or individual activity that—

11 (A) has been shown by empirical evidence
12 to reduce recidivism;

13 (B) is designed to help prisoners succeed
14 in their communities upon release from prison;
15 and

16 (C) may include—

17 (i) classes on social learning and life
18 skills;

19 (ii) classes on morals or ethics;

20 (iii) academic classes;

21 (iv) cognitive behavioral treatment;

22 (v) mentoring;

23 (vi) substance abuse treatment;

24 (vii) vocational training;

25 (viii) faith-based classes or services; or

1 (ix) a prison job.

2 (3) PRODUCTIVE ACTIVITY.—The term “pro-
3 ductive activity” means either a group or individual
4 activity that is designed to allow prisoners classified
5 as having a low risk of recidivism to remain produc-
6 tive and thereby maintain a low risk classification,
7 and may include the delivery of the activities de-
8 scribed in subparagraph (C) to other prisoners.

9 (4) PRISONER.—The term “prisoner” means a
10 person who has been sentenced to a term of impris-
11 onment pursuant to a conviction for a Federal crimi-
12 nal offense.

13 (5) TIME CREDIT.—The term “time credit”
14 means the equivalent of one day of a prisoner’s sen-
15 tence, such that a prisoner shall be eligible for one
16 day of home confinement for each credit earned.

17 (6) DRUG TRAFFICKING OFFENSE.—The term
18 “drug trafficking offense” means any crime punish-
19 able under Federal, State, or local law that prohibits
20 the manufacture, import, export, distribution, dis-
21 pensing of, or offer to sell a controlled substance or
22 counterfeit substance (as such terms are defined in
23 section 102 of the Controlled Substances Act (21
24 U.S.C. 802)) or the possession of a controlled sub-

1 stance or counterfeit substance with intent to manu-
2 facture, import, export, distribute, or dispense.

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There is authorized to be appro-
5 priated to carry out this Act \$50,000,000 for each of fiscal
6 years 2016 through 2020. Of the amount appropriated
7 under this subsection, 80 percent shall be reserved for use
8 by the Director of the Bureau of Prisons to implement
9 the System under section 7 and the amendments made
10 by that section.

11 (b) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that any savings associated with reducing recidivism
13 and reducing the prison population that result from this
14 Act should be reinvested into further expansion of recidi-
15 vism reduction programs and productive activities by the
16 Bureau of Prisons.

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