

114TH CONGRESS
1ST SESSION

S. 449

To reduce recidivism and increase public safety.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2015

Mr. PORTMAN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To reduce recidivism and increase public safety.

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. PROMOTING SUCCESSFUL REENTRY.**

4 (a) FEDERAL REENTRY DEMONSTRATION
5 PROJECTS.—

6 (1) EVALUATION OF EXISTING BEST PRACTICES
7 FOR REENTRY.—Not later than 2 years after the
8 date of enactment of this Act, the Attorney General,
9 in consultation with the Administrative Office of the
10 United States Courts, shall—

11 (A) evaluate best practices used for the re-
12 entry into society of individuals released from

1 the custody of the Bureau of Prisons, includ-
2 ing—

3 (i) conducting examinations of reentry
4 practices in State and local justice sys-
5 tems; and

6 (ii) consulting with Federal, State,
7 and local prosecutors, Federal, State, and
8 local public defenders, nonprofit organiza-
9 tions that provide reentry services, and
10 criminal justice experts; and

11 (B) submit to the Committee on the Judi-
12 ciary of the Senate and the Committee on the
13 Judiciary of the House of Representatives a re-
14 port that details the evaluation conducted under
15 subparagraph (A).

16 (2) CREATION OF REENTRY DEMONSTRATION
17 PROJECTS.—Not later than 3 years after the date of
18 enactment of this Act, the Attorney General, in con-
19 sultation with the Administrative Office of the
20 United States Courts, shall, subject to the avail-
21 ability of appropriations, select an appropriate num-
22 ber of Federal judicial districts to conduct Federal
23 reentry demonstration projects using the best prac-
24 tices identified in the evaluation conducted under
25 paragraph (1). The Attorney General shall deter-

1 mine the appropriate number of Federal judicial dis-
2 tricts to conduct demonstration projects under this
3 paragraph.

4 (3) PROJECT DESIGN.—For each Federal judi-
5 cial district selected under paragraph (2), the United
6 States Attorney, in consultation with the Chief
7 Judge, the Chief Federal Defender, the Chief Probation
8 Officer, the Bureau of Justice Assistance, the
9 National Institute of Justice, and criminal justice
10 experts, shall design a Federal reentry demonstra-
11 tion project for the Federal judicial district in ac-
12 cordance with paragraph (4).

13 (4) PROJECT ELEMENTS.—A project designed
14 under paragraph (3) shall coordinate efforts by Fed-
15 eral agencies to assist participating prisoners in pre-
16 paring for and adjusting to reentry into the commu-
17 nity and may include, as appropriate—

18 (A) the use of community correctional fa-
19 cilities and home confinement, as determined to
20 be appropriate by the Bureau of Prisons;

21 (B) a reentry review team for each pris-
22 oner to develop a reentry plan specific to the
23 needs of the prisoner, and to meet with the
24 prisoner following transfer to monitor the re-
25 entry plan;

1 (C) steps to assist the prisoner in obtain-
2 ing health care, housing, and employment, be-
3 fore the prisoner's release from a community
4 correctional facility or home confinement;

5 (D) regular drug testing for participants
6 with a history of substance abuse;

7 (E) substance abuse treatment, which may
8 include addiction treatment medication, if ap-
9 propriate, medical treatment, including mental
10 health treatment, occupational, vocational and
11 educational training, life skills instruction, re-
12 covery support, conflict resolution training, and
13 other programming to promote effective re-
14 integration into the community;

15 (F) the participation of volunteers to serve
16 as advisors and mentors to prisoners being re-
17 leased into the community;

18 (G) steps to ensure that the prisoner
19 makes satisfactory progress toward satisfying
20 any obligations to victims of the prisoner's of-
21 fense, including any obligation to pay restitu-
22 tion; and

23 (H) the appointment of a reentry coordi-
24 nator in the United States Attorney's Office.

1 (5) REVIEW OF PROJECT OUTCOMES.—Not
2 later than 5 years after the date of enactment of
3 this Act, the Administrative Office of the United
4 States Courts, in consultation with the Attorney
5 General, shall—

6 (A) evaluate the results from each Federal
7 judicial district selected under paragraph (2),
8 including the extent to which participating pris-
9 oners released from the custody of the Bureau
10 of Prisons were successfully reintegrated into
11 their communities, including whether the par-
12 ticipating prisoners maintained employment,
13 and refrained from committing further offenses;
14 and

15 (B) submit to the Committee on the Judi-
16 ciary of the Senate and the Committee on the
17 Judiciary of the House of Representatives a re-
18 port that contains—

19 (i) the evaluation of the best practices
20 identified in the report required under
21 paragraph (1); and

22 (ii) the results of the demonstration
23 projects required under paragraph (2).

24 (b) STUDY ON THE IMPACT OF REENTRY ON CER-
25 TAIN COMMUNITIES.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, the Attorney Gen-
3 eral, in consultation with the Administrative Office
4 of the United States Courts, shall submit to the
5 Committee on the Judiciary of the Senate and the
6 Committee on the Judiciary of the House of Rep-
7 resentatives a report on the impact of reentry of
8 prisoners on communities in which a dispropor-
9 tionate number of individuals reside upon release
10 from incarceration.

11 (2) CONTENTS.—The report required under
12 paragraph (1) shall analyze the impact of reentry of
13 individuals released from both State and Federal
14 correctional systems as well as State and Federal ju-
15 venile justice systems, and shall include—

16 (A) an assessment of the reentry burdens
17 borne by local communities;

18 (B) a review of the resources available in
19 such communities to support successful reentry,
20 including resources provided by the Federal
21 Government and State and local governments,
22 and the extent to which those resources are
23 used effectively; and

24 (C) recommendations to strengthen the re-
25 sources in such communities available to sup-

1 port successful reentry and to lessen the burden
2 placed on such communities by the need to sup-
3 port reentry.

4 **SEC. 2. ADDITIONAL TOOLS TO PROMOTE RECOVERY AND**
5 **PREVENT DRUG AND ALCOHOL ABUSE AND**
6 **DEPENDENCE.**

7 (a) REENTRY AND RECOVERY PLANNING.—

8 (1) PRESENTENCE REPORTS.—Section 3552 of
9 title 18, United States Code, is amended—

10 (A) by redesignating subsections (b), (c),
11 and (d) as subsections (c), (d), and (e), respec-
12 tively;

13 (B) by inserting after subsection (a) the
14 following:

15 “(b) REENTRY AND RECOVERY PLANNING.—

16 “(1) IN GENERAL.—In addition to the informa-
17 tion required by rule 32(d) of the Federal Rules of
18 Criminal Procedure, the report submitted pursuant
19 to subsection (a) shall contain the following informa-
20 tion, unless such information is required to be ex-
21 cluded pursuant to rule 32(d)(3) of the Federal
22 Rules of Criminal Procedure or except as provided
23 in paragraph (2):

1 “(A) Information about the defendant’s
2 history of substance abuse and addiction, if ap-
3 plicable.

4 “(B) Information about the defendant’s
5 service in the Armed Forces of the United
6 States and veteran status, if applicable.

7 “(C) A detailed plan, which shall include
8 the identification of programming provided by
9 the Bureau of Prisons that is appropriate for
10 the defendant’s needs, that the probation officer
11 determines will—

12 “(i) reduce the likelihood the defend-
13 ant will abuse drugs or alcohol if the de-
14 fendant has a history of substance abuse;

15 “(ii) reduce the defendant’s likelihood
16 of recidivism by addressing the defendant’s
17 specific recidivism risk factors; and

18 “(iii) assist the defendant preparing
19 for reentry into the community.

20 “(2) EXCEPTIONS.—The information described
21 in paragraph (1)(C)(iii) shall not be required to be
22 included under paragraph (1), in the discretion of
23 the Probation Officer, if the applicable sentencing
24 range under the sentencing guidelines, as deter-

1 mined by the probation officer, includes a sentence
2 of life imprisonment or a sentence of probation.”;

3 (C) in subsection (c), as redesignated, in
4 the first sentence, by striking “subsection (a) or
5 (c)” and inserting “subsection (a) or (d)”; and

6 (D) in subsection (d), as redesignated, by
7 striking “subsection (a) or (b)” and inserting
8 “subsection (a) or (c)”.

9 (2) TECHNICAL AND CONFORMING AMEND-
10 MENT.—Section 3672 of title 18, United States
11 Code, is amended in the eighth undesignated para-
12 graph by striking “subsection (b) or (c)” and insert-
13 ing “subsection (c) or (d)”.

14 (b) SUPERVISED RELEASE PILOT PROGRAM TO RE-
15 DUCE RECIDIVISM AND IMPROVE RECOVERY FROM ALCO-
16 HOL AND DRUG ABUSE.—

17 (1) IN GENERAL.—Not later than 2 years after
18 the date of enactment of this Act, the Administrative
19 Office of the United States Courts shall establish a
20 recidivism reduction and recovery enhancement pilot
21 program, premised on high-intensity supervision and
22 the use of swift, predictable, and graduated sanc-
23 tions for noncompliance with program rules, in Fed-
24 eral judicial districts selected by the Administrative

1 Office of the United States Courts in consultation
2 with the Attorney General.

3 (2) REQUIREMENTS OF PROGRAM.—Participa-
4 tion in the pilot program required under paragraph
5 (1) shall be subject to the following requirements:

6 (A) Upon entry into the pilot program, the
7 court shall notify program participants of the
8 rules of the program and consequences for vio-
9 lating such rules, including the penalties to be
10 imposed as a result of such violations pursuant
11 to subparagraph (E).

12 (B) Probation officers shall conduct reg-
13 ular drug testing of all pilot program partici-
14 pants with a history of substance abuse.

15 (C) In the event that a probation officer
16 determines that a participant has violated a
17 term of supervised release, the officer shall no-
18 tify the court within 24 hours of such deter-
19 mination, absent good cause.

20 (D) As soon as is practicable, and in no
21 case more than 1 week after the violation was
22 reported by the probation officer, absent good
23 cause, the court shall conduct a hearing on the
24 alleged violation.

1 (E) If the court determines that a program
2 participant has violated a term of supervised re-
3 lease, it shall impose an appropriate sanction,
4 which may include the following, if appropriate:

5 (i) Modification of the terms of such
6 participant's supervised release, which may
7 include imposition of a period of home con-
8 finement.

9 (ii) Referral to appropriate substance
10 abuse treatment.

11 (iii) Revocation of the defendant's su-
12 pervised release and the imposition of a
13 sentence of incarceration that is no longer
14 than necessary to punish the participant
15 for such violation and deter the participant
16 from committing future violations.

17 (iv) For participants who habitually
18 fail to abide by program rules or pose a
19 threat to public safety, termination from
20 the program.

21 (3) STATUS OF PARTICIPANT IF INCARCER-
22 ATED.—

23 (A) IN GENERAL.—In the event that a pro-
24 gram participant is sentenced to incarceration
25 as described in paragraph (2)(E)(iii), the par-

1 participant shall remain in the program upon re-
2 lease from incarceration unless terminated from
3 the program in accordance with paragraph
4 (2)(E)(iv).

5 (B) POLICIES FOR MAINTAINING EMPLOY-
6 MENT.—The Bureau of Prisons, in consultation
7 with the Chief Probation Officers of the Federal
8 judicial districts selected for participation in the
9 pilot program required under paragraph (1),
10 shall develop policies to enable program partici-
11 pants sentenced to terms of incarceration as de-
12 scribed in paragraph (2)(E)(iii) to, where prac-
13 ticable, serve the terms of incarceration while
14 maintaining employment, including allowing the
15 terms of incarceration to be served on week-
16 ends.

17 (4) ADVISORY SENTENCING POLICIES.—

18 (A) IN GENERAL.—The United States Sen-
19 tencing Commission, in consultation with the
20 Chief Probation Officers, United States Attor-
21 neys, Federal Defenders, and Chief Judges of
22 the districts selected for participation in the
23 pilot program required under paragraph (1),
24 shall establish advisory sentencing policies to be
25 used by the district courts in imposing sen-

1 tences of incarceration in accordance with para-
2 graph (2)(E)(iii).

3 (B) REQUIREMENT.—The advisory sen-
4 tencing policies established under subparagraph
5 (A) shall be consistent with the stated goal of
6 the pilot program to impose predictable and
7 graduated sentences that are no longer than
8 necessary for violations of program rules.

9 (5) DURATION OF PROGRAM.—The pilot pro-
10 gram required under paragraph (1) shall continue
11 for not less than 5 years and may be extended for
12 not more than 5 years by the Administrative Office
13 of the United States Courts.

14 (6) ASSESSMENT OF PROGRAM OUTCOMES AND
15 REPORT TO CONGRESS.—

16 (A) IN GENERAL.—Not later than 6 years
17 after the date of enactment of this Act, the Ad-
18 ministrative Office of the United States Courts
19 shall conduct an evaluation of the pilot program
20 and submit to Congress a report on the results
21 of the evaluation.

22 (B) CONTENTS.—The report required
23 under subparagraph (A) shall include—

24 (i) the rates of substance abuse
25 among program participants;

- 1 (ii) the rates of violations of the terms
2 of supervised release by program partici-
3 pants, and sanctions imposed;
- 4 (iii) information about employment of
5 program participants;
- 6 (iv) a comparison of outcomes among
7 program participants with outcomes among
8 similarly situated individuals under the su-
9 pervision of United States Probation and
10 Pretrial Services not participating in the
11 program; and
- 12 (v) an assessment of the effectiveness
13 of each of the relevant features of the pro-
14 gram.

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