

# LABRADOR, SCOTT INTRODUCE BIPARTISAN BILL TO REFORM CRIMINAL SENTENCING LAWS

## The bill would restore discretion to judges in nonviolent drug cases

Dan Popkey/Labrador's office

**WASHINGTON, D.C.** – Rep. Raúl Labrador, R-Idaho, and Rep. Robert C. "Bobby" Scott, D-Va., introduced the Smarter Sentencing Act today to bring common sense and flexibility to federal criminal sentencing laws. The bill would allow courts to make individualized assessments in nonviolent drug cases, ensuring that limited resources are focused on the most serious offenders, while maintaining public safety. A companion bill has been introduced in the United States Senate by Sen. Mike Lee (R-UT) and Sen. Dick Durbin (D-IL).

"As I've said before, we must be both strict and smart when it comes to federal criminal sentencing," said Rep. Labrador. "The 'one-size-fits-all' approach Congress put on the books has tied the hands of judges without improving public safety. Nearly half of the inmates filling our federal prisons are incarcerated for drug offenses. Many of them do not need overly harsh penalties. And yet judges are forced to impose these penalties, even if they don't want to.

"Our bill will empower judges to determine, based on careful review of individual cases, when to impose the harshest sentences," continued Labrador. "This approach will improve justice and reduce the burden on taxpayers. It will improve safety by enabling the justice system to focus on the most violent offenders. I am proud that over 200 groups from across the ideological spectrum are supporting our bill and I will work with my colleagues in a bipartisan way to get it passed."

During the past 30 years, the number of inmates in federal custody has grown by 500 percent, with nearly half of them serving sentences for drug offenses. Spending on federal incarceration has grown by more than 1100 percent. Today, it costs taxpayers approximately \$29,000 on average annually to house just one federal inmate. The Department of Justice estimates that the *Smarter Sentencing Act* could save up to \$24 billion over the first 20 years and immediately address the serious problem of overcrowding in our federal facilities.

All four federal stakeholder agencies--the Department of Justice, the Judicial Conference, the Sentencing Commission, and the Federal Public Defenders--expressed their support for the Smarter Sentencing Act during the House Judiciary Committee's Over-Criminalization Task Force hearing on Agency Perspectives last year.

"I am honored to join Congressman Labrador as a cosponsor of the *Smarter Sentencing Act*," said Rep. Scott. "Granting federal judges more discretion in sentencing for nonviolent drug offenses is the right thing to do. Studies of mandatory minimums conclude that they fail to reduce crime, they waste the taxpayers' money, they discriminate against minorities, and they often require the imposition of sentences that violate common sense.

“This historic bi-partisan, bi-cameral bill targets particularly egregious mandatory minimums and returns discretion to federal judges in an incremental manner,” continued Scott. “This legislation is an important step in updating sentencing policies that are not working, that are costing taxpayers too much, and that do nothing to make our families and communities safer. It also begins to address the longstanding disparate impact on minorities that our federal criminal laws and prosecution policies have had.”

The *Smarter Sentencing Act* would do the following:

**§ Increase individualized review for certain drug sentences**

- o It would lower certain drug mandatory sentences, allowing judges to determine, based on fact-specific case-by-case review, when the harshest penalties should apply (while not repealing any mandatory minimum sentences or lowering the maximum sentences for these offenses).

**§ Promote sentencing consistent with the bipartisan Fair Sentencing Act**

- o It would allow certain inmates sentenced under the pre-*Fair Sentencing Act* sentencing regime to petition for sentence reductions consistent with the *Fair Sentencing Act* and current law, while not automatically reducing a single sentence.

**§ Expand the existing federal “safety valve”**

- o The legislative “safety valve” has been effective in allowing federal judges to appropriately sentence certain non-violent drug offenders below existing mandatory minimums. Today’s bill would modestly broaden criteria for eligibility.

The *Smarter Sentencing Act* is endorsed by over 200 organizations across the ideological spectrum, including law enforcement, corrections, and victims groups; conservative leaders; faith leaders; and other civil rights and advocacy groups.

A similar bill was introduced in both the House and Senate in 2013, also by Reps. Labrador and Scott and Sens. Durbin and Lee.