

113TH CONGRESS
1ST SESSION

S. 1675

To reduce recidivism and increase public safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 2013

Mr. WHITEHOUSE 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, and for other purposes.

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 Reduction
5 and Public Safety Act of 2013”.

6 **SEC. 2. EVIDENCE-BASED RECIDIVISM REDUCTION PRO-**
7 **GRAMMING.**

8 (a) IN GENERAL.—Section 3621 of title 18, United
9 States Code, is amended—

10 (1) by redesignating subsections (f) and (g) as
11 subsections (g) and (h), respectively; and

1 (2) by inserting after subsection (e) the fol-
2 lowing:

3 “(f) RECIDIVISM REDUCTION PROGRAMMING.—

4 “(1) DEFINITIONS.—In this subsection—

5 “(A) the term ‘evidence-based recidivism
6 reduction programming’—

7 “(i) means a course of instruction or
8 activities that have been demonstrated to
9 reduce recidivism or promote successful re-
10 entry, which may include vocational train-
11 ing, cognitive behavioral programming,
12 prison employment, and educational pro-
13 gramming; and

14 “(ii) includes recovery programming;
15 and

16 “(B) the term ‘recovery programming’
17 means a course of instruction or activities,
18 other than a course described in subsection (e),
19 that have been demonstrated to reduce drug or
20 alcohol abuse or dependence among partici-
21 pants, or to promote recovery among individuals
22 who have previously abused alcohol or drugs.

23 “(2) RECIDIVISM REDUCTION PROGRAMS.—

24 Subject to the availability of appropriations, the Bu-
25 reau of Prisons shall offer evidence-based recidivism

1 reduction programs to prisoners who have been as-
2 sessed, pursuant to section 3 of the Recidivism Re-
3 duction and Public Safety Act of 2013, to need to
4 participate in the programs.

5 “(3) CONSULTATION.—In carrying out this sub-
6 section, the Bureau of Prisons shall consult with
7 other relevant agencies within the Department of
8 Justice, including the National Institute of Justice
9 and the Criminal Division, as well as with the Ad-
10 ministrative Office of the Courts, United States Pro-
11 bation and Pretrial Services, the United States Sen-
12 tencing Commission, and any other entity as appro-
13 priate.

14 “(4) CREDIT FOR SUCCESSFUL PARTICIPA-
15 TION.—

16 “(A) IN GENERAL.—The period a prisoner
17 remains in custody after successfully partici-
18 pating in an evidence-based recidivism reduc-
19 tion program may be reduced, in the discretion
20 of the Bureau of Prisons, by no more than 60
21 days per year of participation in the program,
22 from the term the prisoner must otherwise
23 serve.

24 “(B) PARTICIPATION IN PROGRAMS LAST-
25 ING LESS THAN 1 YEAR.—The credit described

1 in subparagraph may be prorated for prisoners
2 who successfully participate in evidence-based
3 recidivism reduction programs lasting less than
4 1 year.

5 “(C) BUREAU OF PRISONS DETERMINA-
6 TION.—Any determination as to whether a pris-
7 oner has successfully participated in an evi-
8 dence-based recidivism reduction program shall
9 be in the sole discretion of the Bureau of Pris-
10 ons and no prisoner shall be entitled to a reduc-
11 tion in sentence pursuant to this subsection.

12 “(D) LIMITATION ON REDUCTION IN SEN-
13 TENCE.—The combined credit awarded under
14 this subsection and subsection (e) may not ex-
15 ceed 15 percent of the total sentence imposed.

16 “(5) PARTNERSHIPS WITH NON-PROFIT ORGA-
17 NIZATIONS.—In carrying out this subsection, the
18 Bureau of Prisons shall enter into partnerships, as
19 appropriate, with non-profit organizations, including
20 faith- and community-based organizations and edu-
21 cational institutions, that offer appropriate evidence-
22 based recidivism reduction programming.

23 “(6) PRIORITIZATION.—In offering program-
24 ming to prisoners under this subsection, the Bureau
25 of Prisons shall give preference to—

1 “(A) prisoners with earlier anticipated re-
2 lease dates; and

3 “(B) prisoners who have demonstrated the
4 greatest need for such programming.

5 “(7) REPORT TO CONGRESS.—Beginning 2
6 years after the date of enactment of this Act, and
7 every year thereafter, the Bureau of Prisons shall
8 submit to the Committee on the Judiciary and the
9 Committee on Appropriations of the House of Rep-
10 representatives and the Committee on the Judiciary and
11 the Committee on Appropriations of the Senate a re-
12 port that describes—

13 “(A) all evidence-based recidivism reduc-
14 tion programming offered pursuant to this sec-
15 tion and the Bureau of Prisons facilities in
16 which such programming was offered;

17 “(B) the number of participants in each
18 such recidivism reduction program at each in-
19 stitution; the number who successfully partici-
20 pated in such program; and the amount of cred-
21 it for such successful participation awarded;
22 and

23 “(C) the partnerships with non-profit orga-
24 nizations entered into pursuant to paragraph
25 (5).”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect 180 days after the date of
3 enactment of this Act.

4 **SEC. 3. INDIVIDUAL RECIDIVISM RISK FACTOR AND NEEDS**
5 **ASSESSMENT.**

6 (a) DEVELOPMENT OF METHODOLOGY AND PROCE-
7 DURES.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of enactment of this Act, the Attorney
10 General shall develop a methodology and procedure
11 to assess the recidivism risk factors of all prisoners
12 committed to the custody of the Bureau of Prisons
13 for a term of imprisonment other than life imprison-
14 ment and to identify programming to reduce the risk
15 factors.

16 (2) CONSULTATION.—In developing the meth-
17 odology and procedure required under paragraph
18 (1), and in updating the methodology and procedure
19 as appropriate, the Attorney General shall—

20 (A) use available research in the field;

21 (B) consult with academic and other ex-
22 perts as appropriate; and

23 (C) consult with the Administrative Office
24 of the Courts, United States Probation and
25 Pretrial Services, the United States Sentencing

1 Commission, and any other entity as appro-
2 priate.

3 (b) ASSESSMENTS OF PRISONERS.—The Bureau of
4 Prisons shall use the methodology and procedure devel-
5 oped under subsection (a) to assess each prisoner’s recidi-
6 vism risk factors and to identify evidence-based recidivism
7 reduction programming (as defined in section 3621(f) of
8 title 18, United States Code, as added by this Act) likely
9 to address such recidivism risk factors.

10 (c) TIME PERIOD FOR ASSESSMENTS.—

11 (1) SENTENCING AFTER DATE OF ENACT-
12 MENT.—For prisoners sentenced to a term of im-
13 prisonment after the date that is 180 days after the
14 date of enactment of this Act, the Bureau of Prisons
15 shall complete the assessment required by this sec-
16 tion as soon as is practicable after the prisoner is
17 sentenced.

18 (2) PRIOR SENTENCING.—

19 (A) DEFINITION.—In this paragraph, the
20 term “covered prisoner” means a prisoner sen-
21 tenced to a term of imprisonment, other than
22 life imprisonment, on or before the date that is
23 180 days after the date of enactment of this
24 Act.

1 (B) REQUIREMENT.—The Bureau of Pris-
2 ons shall complete the assessment required by
3 this section—

4 (i) for not less than 20 percent of the
5 total number of covered prisoners not later
6 than 2 years after the date of enactment
7 of this Act;

8 (ii) for not less than 40 percent of the
9 total number of covered prisoners not later
10 than 3 years after the date of enactment
11 of this Act;

12 (iii) for not less than 60 percent of
13 the total number of covered prisoners not
14 later than 4 years after the date of enact-
15 ment of this Act;

16 (iv) for not less than 80 percent of the
17 total number of covered prisoners not later
18 than 5 years after the date of enactment
19 of this Act; and

20 (v) for all covered prisoners not later
21 than 6 years after the date of enactment
22 of this Act.

23 (d) UPDATE OF ASSESSMENTS.—The Bureau of
24 Prisons shall update the assessment of each prisoner re-
25 quired by this section on an appropriate schedule of review

1 and reassessment, as determined by the Bureau of Pris-
2 ons.

3 (e) REPORTING ON RECIDIVISM RATES.—

4 (1) IN GENERAL.—Beginning 1 year after the
5 date of enactment of this Act, and every year there-
6 after, United States Probation and Pretrial Services
7 shall report to Congress and the Department of Jus-
8 tice on rates of recidivism among individuals who
9 have been released from Federal prison and who are
10 under the supervision of United States Probation
11 and Pretrial Services.

12 (2) CONTENTS.—The report required under
13 paragraph (1) shall contain information on rates of
14 recidivism among former Federal prisoners, includ-
15 ing information on rates of recidivism among former
16 Federal prisoners based on the following criteria:

17 (A) Primary offense charged.

18 (B) Length of sentence.

19 (C) Bureau of Prisons facility or facilities
20 in which the prisoner's sentence was served.

21 (D) Recidivism reduction programming in
22 which the prisoner successfully participated, if
23 any.

24 (E) The prisoner's assessed risk of recidi-
25 vism pursuant to subsection (b).

1 **SEC. 4. PROMOTING SUCCESSFUL REENTRY.**

2 (a) FEDERAL REENTRY DEMONSTRATION
3 PROJECTS.—

4 (1) EVALUATION OF EXISTING BEST PRACTICES
5 FOR REENTRY.—Not later than 180 days after the
6 date of enactment of this Act, the Administrative
7 Office of the Courts, in consultation with the Attor-
8 ney General, shall—

9 (A) evaluate best practices used for the re-
10 entry into society of individuals released from
11 the custody of the Bureau of Prisons, including
12 conducting examinations of reentry practices in
13 State and local justice systems and consulting
14 with Federal, State, and local prosecutors, Fed-
15 eral, State, and local public defenders, and non-
16 profit organizations that provide reentry serv-
17 ices; and

18 (B) shall submit to the Committee on the
19 Judiciary of the House of Representatives and
20 the Committee on the Judiciary of the Senate
21 a report that details the evaluation conducted
22 under subparagraph (A).

23 (2) CREATION OF REENTRY DEMONSTRATION
24 PROJECTS.—Not later than 1 year after the date of
25 enactment of this Act, the Attorney General, in con-
26 sultation with the Administrative Office of the

1 United States Courts, shall select an appropriate
2 number of Federal judicial districts which shall con-
3 duct Federal reentry demonstration projects using
4 the best practices identified in the evaluation con-
5 ducted under paragraph (1). The Attorney General
6 shall determine the appropriate number of Federal
7 judicial districts to conduct demonstration projects
8 under this paragraph.

9 (3) PROJECT DESIGN.—For each Federal judi-
10 cial district selected under paragraph (2), the United
11 States Attorney, in consultation with the Chief
12 Judge, Chief Federal Defender, and the Chief Pro-
13 bation Officer, shall design a Federal reentry dem-
14 onstration project for the Federal judicial district in
15 accordance with paragraph (4).

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

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

24 (B) a reentry review team for each pris-
25 oner to develop a reentry plan specific to the

1 needs of the prisoner, and to meet with the
2 prisoner following transfer to monitor the re-
3 entry plan;

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

8 (D) regular drug testing;

9 (E) a system of graduated levels of super-
10 vision and immediate sanctions for violations of
11 the conditions of participation in the project;

12 (F) substance abuse treatment, medical
13 treatment, including mental health treatment,
14 vocational and educational training, life skills
15 instruction, recovery support, conflict resolution
16 training, and other programming to promote ef-
17 fective reintegration into the community;

18 (G) the participation of volunteers to serve
19 as advisors and mentors to prisoners being re-
20 leased into the community; and

21 (H) steps to ensure that the prisoner
22 makes satisfactory progress toward satisfying
23 any obligations to victims of the prisoner's of-
24 fense, including any obligation to pay restitu-
25 tion.

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 Courts, in
4 consultation with the Attorney General, shall—

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

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

16 (i) the evaluation of the best practices
17 identified in the report required under
18 paragraph (1); and

19 (ii) the results of the demonstration
20 projects required under paragraph (2).

21 (b) STUDY ON THE IMPACT OF REENTRY ON CER-
22 TAIN COMMUNITIES.—

23 (1) IN GENERAL.—Not later than 2 years after
24 the date of enactment of this Act, the Attorney Gen-
25 eral, in consultation with the Administrative Office

1 of the Courts, shall submit to the Committee on the
2 Judiciary of the House of Representatives and the
3 Committee on the Judiciary of the Senate a report
4 on the impact of reentry of prisoners on commu-
5 nities in which a disproportionate number of individ-
6 uals reside upon release from incarceration.

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

12 (A) an assessment of the reentry burdens
13 borne by local communities;

14 (B) a review of the resources available in
15 such communities to support successful reentry,
16 including resources provided by State, local,
17 and Federal governments, the extent to which
18 those resources are used effectively; and

19 (C) recommendations to strengthen the re-
20 sources in such communities available to sup-
21 port successful reentry and to lessen the burden
22 placed on such communities by the need to sup-
23 port reentry.

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

4 (a) REENTRY AND RECOVERY PLANNING.—

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

7 (A) by redesignating subsections (b), (c),
8 and (d) as subsections (c), (d), and (e), respec-
9 tively;

10 (B) by inserting after subsection (a) the
11 following:

12 “(b) REENTRY AND RECOVERY PLANNING.—

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

21 “(A) Information about the defendant’s
22 history of substance abuse and addiction, if
23 any.

24 “(B) A detailed plan, which shall include
25 the identification of programming provided by
26 the Bureau of Prisons that is appropriate for

1 the defendant’s needs, that the probation officer
2 determines will—

3 “(i) reduce the likelihood the defend-
4 ant will abuse drugs or alcohol;

5 “(ii) reduce the defendant’s likelihood
6 of recidivism by addressing the defendant’s
7 specific recidivism risk factors; and

8 “(iii) assist the defendant preparing
9 for reentry into the community.

10 “(2) EXCEPTION.—The information described
11 in paragraph (1)(B) shall not be required to be in-
12 cluded under paragraph (1) if the applicable sen-
13 tencing range under the sentencing guidelines, as de-
14 termined by the probation officer, includes a sen-
15 tence of life imprisonment.”;

16 (C) in subsection (c), as redesignated, in
17 the first sentence, by striking “subsection (a) or
18 (c)” and insertion “subsection (a) or (d)”; and

19 (D) in subsection (d), as redesignated, by
20 striking “subsection (a) or (b)” and inserting
21 “subsection (a) or (c)”.

22 (2) TECHNICAL AND CONFORMING AMEND-
23 MENT.—Section 3672 of title 18, United States
24 Code, is amended in the eighth undesignated para-

1 graph by striking “subsection (b) or (c)” and insert-
2 ing “subsection (c) or (d)”.

3 (b) PROMOTING FULL UTILIZATION OF RESIDEN-
4 TIAL DRUG TREATMENT.—Section 3621(e)(2) of title 18,
5 United States Code, is amended by adding at the end the
6 following:

7 “(C) COMMENCEMENT OF TREATMENT.—
8 Not later than 3 years after the date of enact-
9 ment of the Recidivism Reduction and Public
10 Safety Act of 2013, the Bureau of Prisons shall
11 ensure that each eligible prisoner has an oppor-
12 tunity to commence participation in treatment
13 under this subsection by such date as is nec-
14 essary to ensure that the prisoner completes
15 such treatment not later than 1 year before the
16 date on which the prisoner would otherwise be
17 released from custody prior to the application of
18 any reduction in sentence pursuant to this
19 paragraph.”.

20 (c) SUPERVISED RELEASE PILOT PROGRAM TO RE-
21 DUCE RECIDIVISM AND IMPROVE RECOVERY FROM ALCO-
22 HOL AND DRUG ABUSE.—

23 (1) IN GENERAL.—Not later than 2 years after
24 the date of enactment of this Act, United States
25 Probation and Pretrial Services shall establish a re-

1 cidivism reduction and recovery enhancement pilot
2 program, premised on high-intensity supervision and
3 the use of swift, predictable, and graduated sanc-
4 tions for noncompliance with program rules, in Fed-
5 eral judicial districts selected by the Administrative
6 Office of the Courts in consultation with the Attor-
7 ney General.

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

11 (A) Upon entry into the pilot program, the
12 court shall notify program participants of the
13 rules of the program and consequences for vio-
14 lating such rules, including the penalties to be
15 imposed as a result of such violations pursuant
16 to paragraph (E).

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

20 (C) In the event that a probation officer
21 determines that a participant has violated a
22 term of supervised release, the officer shall no-
23 tify the court within 24 hours of such violation.

24 (D) As soon as is practicable, and in no
25 case more than 1 week after the violation was

1 reported by the probation officer, absent good
2 cause, the court shall conduct a hearing on the
3 alleged violation.

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

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

12 (ii) Referral to appropriate substance
13 abuse treatment.

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

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

24 (3) STATUS OF PARTICIPANT IF INCARCER-
25 ATED.—

1 (A) IN GENERAL.—In the event that a pro-
2 gram participant is sentenced to incarceration
3 as described in paragraph (2)(E)(iii), the par-
4 ticipant shall remain in the program upon re-
5 lease from incarceration unless terminated from
6 the program in accordance with paragraph
7 (2)(E)(iv).

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

20 (4) ADVISORY SENTENCING POLICIES.—

21 (A) IN GENERAL.—The United States Sen-
22 tencing Commission, in consultation with the
23 Chief Probation Officers, the United States At-
24 torneys, Federal Defenders, and Chief Judges
25 of the districts selected for participation in the

1 pilot program required under paragraph (1),
2 shall establish advisory sentencing policies to be
3 used by the district courts in imposing sen-
4 tences of incarceration in accordance with para-
5 graph (2)(E).

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

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

17 (6) ASSESSMENT OF PROGRAM OUTCOMES AND
18 REPORT TO CONGRESS.—

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

1 (B) CONTENTS.—The report required
2 under subparagraph (A) shall include—

3 (i) the rates of substance abuse
4 among program participants;

5 (ii) the rates of violations of the terms
6 of supervised release by program partici-
7 pants, and sanctions imposed;

8 (iii) information about employment of
9 program participants;

10 (iv) a comparison of outcomes among
11 program participants with outcomes among
12 similarly situated individuals under the su-
13 pervision of United States Probation and
14 Pretrial Services not participating in the
15 program; and

16 (v) an assessment of the effectiveness
17 of each of the relevant features of the pro-
18 gram.

19 **SEC. 6. CALCULATION OF GOOD-TIME CREDIT.**

20 (a) IN GENERAL.—Section 3624(b) of title 18,
21 United States Code, is amended—

22 (1) by striking paragraph (1) and inserting the
23 following:

24 “(1) Subject to paragraphs (2) and (3)(C), a
25 prisoner who is serving a term of imprisonment of

1 more than 1 year, other than a term of imprison-
2 ment for the duration of the prisoner’s life, shall re-
3 ceive credit toward the service of the prisoner’s sen-
4 tence, in addition to the time actually served by the
5 prisoner, beginning on the date on which the sen-
6 tence of the prisoner commences, at the rate of 54
7 days per year of sentence imposed, if the Bureau of
8 Prisons determines that the prisoner has displayed
9 exemplary compliance with institutional disciplinary
10 regulations.”; and

11 (2) by striking paragraphs (3) and (4) and in-
12 serting the following:

13 “(3)(A) This subsection shall apply to all pris-
14 oners serving a term of imprisonment for offenses
15 committed on or after November 1, 1987.

16 “(B) With respect to a prisoner serving a term
17 of imprisonment on the date of enactment of the Re-
18 cidivism Reduction and Public Safety Act of 2013,
19 this subsection shall apply to the entirety of the sen-
20 tence imposed on the prisoner, including time al-
21 ready served.

22 “(C) A prisoner may not be awarded credit
23 under this subsection that would cause the prisoner
24 to be eligible for release earlier than the time al-

1 ready served by the prisoner on the imposed sen-
2 tence.”.

3 (b) **EFFECTIVE DATE.**—The amendments made by
4 subsection (a) shall take effect 90 days after the date of
5 enactment of this Act.

6 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to the De-
8 partment of Justice to carry out this Act such sums as
9 may be necessary for each of fiscal years 2015 through
10 2019.

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