

Calendar No. 321

113TH CONGRESS
2D 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 (for himself, Mr. PORTMAN, Mr. CORNYN, Mr. SCHUMER, Mr. LEE, Mr. BLUMENTHAL, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MARCH 11, 2014

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**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~~”.

1 **SEC. 2. EVIDENCE-BASED RECIDIVISM REDUCTION PRO-**
 2 **GRAMMING.**

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

5 (1) by redesignating subsections (f) and (g) as
 6 subsections (g) and (h), respectively; and

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

9 “(f) RECIDIVISM REDUCTION PROGRAMMING.—

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

11 “(A) the term ‘evidence-based recidivism
 12 reduction programming’—

13 “(i) means a course of instruction or
 14 activities that have been demonstrated to
 15 reduce recidivism or promote successful re-
 16 entry, which may include vocational train-
 17 ing, cognitive behavioral programming,
 18 prison employment, and educational pro-
 19 gramming; and

20 “(ii) includes recovery programming;
 21 and

22 “(B) the term ‘recovery programming’
 23 means a course of instruction or activities,
 24 other than a course described in subsection (e),
 25 that have been demonstrated to reduce drug or
 26 alcohol abuse or dependence among partici-

1 pants, or to promote recovery among individuals
2 who have previously abused alcohol or drugs.

3 ~~“(2) RECIDIVISM REDUCTION PROGRAMS.—~~

4 Subject to the availability of appropriations, the Bu-
5 reau of Prisons shall offer evidence-based recidivism
6 reduction programs to prisoners who have been as-
7 sessed, pursuant to section 3 of the Recidivism Re-
8 duction and Public Safety Act of 2013, to need to
9 participate in the programs.

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

19 ~~“(4) CREDIT FOR SUCCESSFUL PARTICIPA-~~
20 ~~TION.—~~

21 ~~“(A) IN GENERAL.—~~The period a prisoner
22 remains in custody after successfully partici-
23 pating in an evidence-based recidivism redue-
24 tion program may be reduced, in the discretion
25 of the Bureau of Prisons, by no more than 60

1 days per year of participation in the program,
2 from the term the prisoner must otherwise
3 serve.

4 “(B) PARTICIPATION IN PROGRAMS LAST-
5 ING LESS THAN 1 YEAR.—The credit described
6 in subparagraph may be prorated for prisoners
7 who successfully participate in evidence-based
8 recidivism reduction programs lasting less than
9 1 year.

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

17 “(D) LIMITATION ON REDUCTION IN SEN-
18 TENCE.—The combined credit awarded under
19 this subsection and subsection (c) may not ex-
20 ceed 15 percent of the total sentence imposed.

21 “(5) PARTNERSHIPS WITH NON-PROFIT ORGA-
22 NIZATIONS.—In carrying out this subsection, the
23 Bureau of Prisons shall enter into partnerships, as
24 appropriate, with non-profit organizations, including
25 faith- and community-based organizations and edu-

1 eational institutions, that offer appropriate evidence-
2 based recidivism reduction programming.

3 “(6) **PRIORITIZATION.**—In offering program-
4 ming to prisoners under this subsection, the Bureau
5 of Prisons shall give preference to—

6 “(A) prisoners with earlier anticipated re-
7 lease dates; and

8 “(B) prisoners who have demonstrated the
9 greatest need for such programming.

10 “(7) **REPORT TO CONGRESS.**—Beginning 2
11 years after the date of enactment of this Act, and
12 every year thereafter, the Bureau of Prisons shall
13 submit to the Committee on the Judiciary and the
14 Committee on Appropriations of the House of Rep-
15 resentatives and the Committee on the Judiciary and
16 the Committee on Appropriations of the Senate a re-
17 port that describes—

18 “(A) all evidence-based recidivism redu-
19 tion programming offered pursuant to this sec-
20 tion and the Bureau of Prisons facilities in
21 which such programming was offered;

22 “(B) the number of participants in each
23 such recidivism reduction program at each in-
24 stitution; the number who successfully partici-
25 pated in such program; and the amount of cred-

1 it for such successful participation awarded;
2 and

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

6 (b) **EFFECTIVE DATE.**—The amendments made by
7 this section shall take effect 180 days after the date of
8 enactment of this Act.

9 **SEC. 3. INDIVIDUAL RECIDIVISM RISK FACTOR AND NEEDS**
10 **ASSESSMENT.**

11 (a) **DEVELOPMENT OF METHODOLOGY AND PROCE-**
12 **DURES.**—

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

21 (2) **CONSULTATION.**—In developing the meth-
22 odology and procedure required under paragraph
23 (1), and in updating the methodology and procedure
24 as appropriate, the Attorney General shall—

25 (A) use available research in the field;

1 (B) consult with academic and other ex-
2 perts as appropriate; and

3 (C) consult with the Administrative Office
4 of the Courts, United States Probation and
5 Pretrial Services, the United States Sentencing
6 Commission, and any other entity as appro-
7 priate.

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

15 (c) TIME PERIOD FOR ASSESSMENTS.—

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

23 (2) PRIOR SENTENCING.—

24 (A) DEFINITION.—In this paragraph, the
25 term “covered prisoner” means a prisoner sen-

1 tenced to a term of imprisonment, other than
2 life imprisonment, on or before the date that is
3 180 days after the date of enactment of this
4 Act.

5 (B) REQUIREMENT.—The Bureau of Pris-
6 ons shall complete the assessment required by
7 this section—

8 (i) for not less than 20 percent of the
9 total number of covered prisoners not later
10 than 2 years after the date of enactment
11 of this Act;

12 (ii) for not less than 40 percent of the
13 total number of covered prisoners not later
14 than 3 years after the date of enactment
15 of this Act;

16 (iii) for not less than 60 percent of
17 the total number of covered prisoners not
18 later than 4 years after the date of enact-
19 ment of this Act;

20 (iv) for not less than 80 percent of the
21 total number of covered prisoners not later
22 than 5 years after the date of enactment
23 of this Act; and

1 (v) for all covered prisoners not later
2 than 6 years after the date of enactment
3 of this Act.

4 (d) UPDATE OF ASSESSMENTS.—The Bureau of
5 Prisons shall update the assessment of each prisoner re-
6 quired by this section on an appropriate schedule of review
7 and reassessment, as determined by the Bureau of Pris-
8 ons.

9 (e) REPORTING ON RECIDIVISM RATES.—

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

18 (2) CONTENTS.—The report required under
19 paragraph (1) shall contain information on rates of
20 recidivism among former Federal prisoners, includ-
21 ing information on rates of recidivism among former
22 Federal prisoners based on the following criteria:

23 (A) Primary offense charged.

24 (B) Length of sentence.

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

3 (D) Recidivism reduction programming in
4 which the prisoner successfully participated, if
5 any.

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

8 **SEC. 4. PROMOTING SUCCESSFUL REENTRY.**

9 (a) **FEDERAL REENTRY DEMONSTRATION**
10 **PROJECTS.—**

11 (1) **EVALUATION OF EXISTING BEST PRACTICES**
12 **FOR REENTRY.—**Not later than 180 days after the
13 date of enactment of this Act, the Administrative
14 Office of the Courts, in consultation with the Attor-
15 ney General, shall—

16 (A) evaluate best practices used for the re-
17 entry into society of individuals released from
18 the custody of the Bureau of Prisons, including
19 conducting examinations of reentry practices in
20 State and local justice systems and consulting
21 with Federal, State, and local prosecutors, Fed-
22 eral, State, and local public defenders, and non-
23 profit organizations that provide reentry serv-
24 ices; and

1 (B) shall submit to the Committee on the
2 Judiciary of the House of Representatives and
3 the Committee on the Judiciary of the Senate
4 a report that details the evaluation conducted
5 under subparagraph (A).

6 (2) CREATION OF REENTRY DEMONSTRATION
7 PROJECTS.—Not later than 1 year after the date of
8 enactment of this Act, the Attorney General, in con-
9 sultation with the Administrative Office of the
10 United States Courts, shall select an appropriate
11 number of Federal judicial districts which shall con-
12 duct Federal reentry demonstration projects using
13 the best practices identified in the evaluation con-
14 ducted under paragraph (1). The Attorney General
15 shall determine the appropriate number of Federal
16 judicial districts to conduct demonstration projects
17 under this paragraph.

18 (3) PROJECT DESIGN.—For each Federal judi-
19 cial district selected under paragraph (2), the United
20 States Attorney, in consultation with the Chief
21 Judge, Chief Federal Defender, and the Chief Pro-
22 bation Officer, shall design a Federal reentry dem-
23 onstration project for the Federal judicial district in
24 accordance with paragraph (4).

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

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

9 (B) a reentry review team for each pris-
10 oner to develop a reentry plan specific to the
11 needs of the prisoner, and to meet with the
12 prisoner following transfer to monitor the re-
13 entry plan;

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

18 (D) regular drug testing;

19 (E) a system of graduated levels of super-
20 vision and immediate sanctions for violations of
21 the conditions of participation in the project;

22 (F) substance abuse treatment, medical
23 treatment, including mental health treatment,
24 vocational and educational training, life skills
25 instruction, recovery support, conflict resolution

1 training, and other programming to promote ef-
2 fective reintegration into the community;

3 ~~(G) the participation of volunteers to serve~~
4 ~~as advisors and mentors to prisoners being re-~~
5 ~~leased into the community; and~~

6 ~~(H) steps to ensure that the prisoner~~
7 ~~makes satisfactory progress toward satisfying~~
8 ~~any obligations to victims of the prisoner's of-~~
9 ~~fense, including any obligation to pay restitu-~~
10 ~~tion.~~

11 ~~(5) REVIEW OF PROJECT OUTCOMES.—Not~~
12 ~~later than 5 years after the date of enactment of~~
13 ~~this Act, the Administrative Office of the Courts, in~~
14 ~~consultation with the Attorney General, shall—~~

15 ~~(A) evaluate the results from each Federal~~
16 ~~judicial district selected under paragraph (2),~~
17 ~~including the extent to which participating pris-~~
18 ~~oners released from the custody of the Bureau~~
19 ~~of Prisons were successfully reintegrated into~~
20 ~~their communities, maintained employment, and~~
21 ~~refrained from committing further offenses; and~~

22 ~~(B) submit to the Committee on the Judi-~~
23 ~~ciary of the House of Representatives and the~~
24 ~~Committee on the Judiciary of the Senate a re-~~
25 ~~port that contains—~~

1 (i) the evaluation of the best practices
2 identified in the report required under
3 paragraph (1); and

4 (ii) the results of the demonstration
5 projects required under paragraph (2).

6 (b) ~~STUDY ON THE IMPACT OF REENTRY ON CER-~~
7 ~~TAIN COMMUNITIES.—~~

8 (1) ~~IN GENERAL.—~~Not later than 2 years after
9 the date of enactment of this Act, the Attorney Gen-
10 eral, in consultation with the Administrative Office
11 of the Courts, shall submit to the Committee on the
12 Judiciary of the House of Representatives and the
13 Committee on the Judiciary of the Senate a report
14 on the impact of reentry of prisoners on commu-
15 nities in which a disproportionate number of individ-
16 uals reside upon release from incarceration.

17 (2) ~~CONTENTS.—~~The report required under
18 paragraph (1) shall analyze the impact of reentry of
19 individuals released from both State and Federal
20 correctional systems as well as State and Federal ju-
21 venile justice systems, and shall include—

22 (A) an assessment of the reentry burdens
23 borne by local communities;

24 (B) a review of the resources available in
25 such communities to support successful reentry,

1 including resources provided by State, local,
 2 and Federal governments, the extent to which
 3 those resources are used effectively; and

4 (C) recommendations to strengthen the re-
 5 sources in such communities available to sup-
 6 port successful reentry and to lessen the burden
 7 placed on such communities by the need to sup-
 8 port reentry.

9 **SEC. 5. ADDITIONAL TOOLS TO PROMOTE RECOVERY AND**
 10 **PREVENT DRUG AND ALCOHOL ABUSE AND**
 11 **DEPENDENCE.**

12 (a) REENTRY AND RECOVERY PLANNING.—

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

15 (A) by redesignating subsections (b), (c),
 16 and (d) as subsections (c), (d), and (e), respec-
 17 tively;

18 (B) by inserting after subsection (a) the
 19 following:

20 “(b) REENTRY AND RECOVERY PLANNING.—

21 “(1) IN GENERAL.—In addition to the informa-
 22 tion required by rule 32(d) of the Federal Rules of
 23 Criminal Procedure, the report submitted pursuant
 24 to subsection (a) shall contain the following informa-
 25 tion, unless such information is required to be ex-

1 eluded pursuant to rule ~~32(d)(3)~~ of the Federal
2 Rules of Criminal Procedure or except as provided
3 in paragraph (2):

4 “(A) Information about the defendant’s
5 history of substance abuse and addiction, if
6 any.

7 “(B) 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;

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

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

19 “(2) EXCEPTION.—The information described
20 in paragraph (1)(B) shall not be required to be in-
21 eluded under paragraph (1) if the applicable sen-
22 tencing range under the sentencing guidelines, as de-
23 termined by the probation officer, includes a sen-
24 tence of life imprisonment.”;

1 ~~(C)~~ in subsection ~~(c)~~, as redesignated, in
 2 the first sentence, by striking “subsection (a) or
 3 ~~(c)~~” and insertion “subsection (a) or (d)”; and

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

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

12 (b) PROMOTING FULL UTILIZATION OF RESIDEN-
 13 TIAL DRUG TREATMENT.—Section 3621(c)(2) of title 18,
 14 United States Code, is amended by adding at the end the
 15 following:

16 “~~(C)~~ COMMENCEMENT OF TREATMENT.—
 17 Not later than 3 years after the date of enact-
 18 ment of the Recidivism Reduction and Public
 19 Safety Act of 2013, the Bureau of Prisons shall
 20 ensure that each eligible prisoner has an oppor-
 21 tunity to commence participation in treatment
 22 under this subsection by such date as is nec-
 23 essary to ensure that the prisoner completes
 24 such treatment not later than 1 year before the
 25 date on which the prisoner would otherwise be

1 released from custody prior to the application of
2 any reduction in sentence pursuant to this
3 paragraph.”.

4 (c) SUPERVISED RELEASE PILOT PROGRAM TO RE-
5 DUCE RECIDIVISM AND IMPROVE RECOVERY FROM ALCO-
6 HOL AND DRUG ABUSE.—

7 (1) IN GENERAL.—Not later than 2 years after
8 the date of enactment of this Act, United States
9 Probation and Pretrial Services shall establish a re-
10 cidivism reduction and recovery enhancement pilot
11 program, premised on high-intensity supervision and
12 the use of swift, predictable, and graduated sanc-
13 tions for noncompliance with program rules, in Fed-
14 eral judicial districts selected by the Administrative
15 Office of the Courts in consultation with the Attor-
16 ney General.

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

20 (A) Upon entry into the pilot program, the
21 court shall notify program participants of the
22 rules of the program and consequences for vio-
23 lating such rules, including the penalties to be
24 imposed as a result of such violations pursuant
25 to paragraph (E).

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

4 (C) In the event that a probation officer
5 determines that a participant has violated a
6 term of supervised release, the officer shall no-
7 tify the court within 24 hours of such violation.

8 (D) As soon as is practicable, and in no
9 case more than 1 week after the violation was
10 reported by the probation officer, absent good
11 cause, the court shall conduct a hearing on the
12 alleged violation.

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

17 (i) Modification of the terms of such
18 participant's supervised release, which may
19 include imposition of a period of home con-
20 finement.

21 (ii) Referral to appropriate substance
22 abuse treatment.

23 (iii) Revocation of the defendant's su-
24 pervised release and the imposition of a
25 sentence of incarceration that is no longer

1 than necessary to punish the participant
2 for such violation and deter the participant
3 from committing future violations.

4 (iv) For participants who habitually
5 fail to abide by program rules or pose a
6 threat to public safety, termination from
7 the program.

8 ~~(3) STATUS OF PARTICIPANT IF INCARCER-~~
9 ~~ATED.—~~

10 (A) IN GENERAL.—In the event that a pro-
11 gram participant is sentenced to incarceration
12 as described in paragraph ~~(2)(E)(iii)~~, the par-
13 ticipant shall remain in the program upon re-
14 lease from incarceration unless terminated from
15 the program in accordance with paragraph
16 ~~(2)(E)(iv)~~.

17 (B) POLICIES FOR MAINTAINING EMPLOY-
18 MENT.—The Bureau of Prisons, in consultation
19 with the Chief Probation Officers of the Federal
20 judicial districts selected for participation in the
21 pilot program required under paragraph ~~(1)~~,
22 shall develop policies to enable program partici-
23 pants sentenced to terms of incarceration as de-
24 scribed in paragraph ~~(2)(E)~~ to, where prac-
25 ticable, serve the terms of incarceration while

1 maintaining employment, including allowing the
2 terms of incarceration to be served on week-
3 ends.

4 ~~(4) ADVISORY SENTENCING POLICIES.—~~

5 ~~(A) IN GENERAL.—~~The United States Sen-
6 tencing Commission, in consultation with the
7 Chief Probation Officers, the United States At-
8 torneys, Federal Defenders, and Chief Judges
9 of the districts selected for participation in the
10 pilot program required under paragraph (1),
11 shall establish advisory sentencing policies to be
12 used by the district courts in imposing sen-
13 tences of incarceration in accordance with para-
14 graph (2)(E).

15 ~~(B) REQUIREMENT.—~~The advisory sen-
16 tencing policies established under subparagraph
17 (A) shall be consistent with the stated goal of
18 the pilot program to impose predictable and
19 graduated sentences that are no longer than
20 necessary for violations of program rules.

21 ~~(5) DURATION OF PROGRAM.—~~The pilot pro-
22 gram required under paragraph (1) shall continue
23 for not less than 5 years and may be extended for
24 not more than 5 years by the Administrative Office
25 of the Courts.

1 (6) ASSESSMENT OF PROGRAM OUTCOMES AND
2 REPORT TO CONGRESS.—

3 (A) IN GENERAL.—Not later than 6 years
4 after the date of enactment of this Act, the Ad-
5 ministrative Office of the Courts shall conduct
6 an evaluation of the pilot program and submit
7 to Congress a report on the results of the eval-
8 uation.

9 (B) CONTENTS.—The report required
10 under subparagraph (A) shall include—

11 (i) the rates of substance abuse
12 among program participants;

13 (ii) the rates of violations of the terms
14 of supervised release by program partici-
15 pants, and sanctions imposed;

16 (iii) information about employment of
17 program participants;

18 (iv) a comparison of outcomes among
19 program participants with outcomes among
20 similarly situated individuals under the su-
21 pervision of United States Probation and
22 Pretrial Services not participating in the
23 program; and

1 (v) an assessment of the effectiveness
2 of each of the relevant features of the pro-
3 gram.

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

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

7 (1) by striking paragraph (1) and inserting the
8 following:

9 “(1) Subject to paragraphs (2) and (3)(C), a
10 prisoner who is serving a term of imprisonment of
11 more than 1 year, other than a term of imprison-
12 ment for the duration of the prisoner’s life, shall re-
13 ceive credit toward the service of the prisoner’s sen-
14 tence, in addition to the time actually served by the
15 prisoner, beginning on the date on which the sen-
16 tence of the prisoner commences, at the rate of 54
17 days per year of sentence imposed, if the Bureau of
18 Prisons determines that the prisoner has displayed
19 exemplary compliance with institutional disciplinary
20 regulations.”; and

21 (2) by striking paragraphs (3) and (4) and in-
22 serting the following:

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

1 “(B) With respect to a prisoner serving a term
2 of imprisonment on the date of enactment of the Re-
3 civism Reduction and Public Safety Act of 2013,
4 this subsection shall apply to the entirety of the sen-
5 tence imposed on the prisoner, including time al-
6 ready served.

7 “(C) A prisoner may not be awarded credit
8 under this subsection that would cause the prisoner
9 to be eligible for release earlier than the time al-
10 ready served by the prisoner on the imposed sen-
11 tence.”.

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

15 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to the De-
17 partment of Justice to carry out this Act such sums as
18 may be necessary for each of fiscal years 2015 through
19 2019.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Recivism Reduction*
22 *and Public Safety Act of 2014”.*

1 **SEC. 2. RECIDIVISM REDUCTION PROGRAMMING AND PRO-**
2 **DUCTIVE ACTIVITIES.**

3 (a) *IN GENERAL.*—Not later than 1 year after the date
4 of enactment of this Act, the Attorney General shall—

5 (1) *conduct a review of recidivism reduction pro-*
6 *gramming and productive activities, including prison*
7 *jobs, offered in correctional institutions, including*
8 *programming and activities offered in State correc-*
9 *tional institutions, which shall include a review of re-*
10 *search on the effectiveness of such programs;*

11 (2) *conduct a survey to identify products, in-*
12 *cluding products purchased by Federal agencies, that*
13 *are currently manufactured overseas and could be*
14 *manufactured by prisoners participating in a prison*
15 *work program without reducing job opportunities for*
16 *other workers in the United States; and*

17 (3) *submit to the Committee on the Judiciary*
18 *and the Committee on Appropriations of the Senate*
19 *and the Committee on the Judiciary and the Com-*
20 *mittee on Appropriations of the House of Representa-*
21 *tives a strategic plan for the expansion of recidivism*
22 *reduction programming and productive activities, in-*
23 *cluding prison jobs, in Bureau of Prisons facilities re-*
24 *quired by section 3621(h)(1) of title 18, United States*
25 *Code, as added by subsection (b).*

1 (b) *AMENDMENT.*—Section 3621 of title 18, United
2 States Code, is amended by adding at the end the following:

3 “(h) *RECIDIVISM REDUCTION PROGRAMMING AND*
4 *PRODUCTIVE ACTIVITIES.*—

5 “(1) *IN GENERAL.*—The Director of the Bureau
6 of Prisons, shall, subject to the availability of appro-
7 priations, make available to all eligible prisoners ap-
8 propriate recidivism reduction programming or pro-
9 ductive activities, including prison jobs, in accord-
10 ance with paragraph (2).

11 “(2) *EXPANSION PERIOD.*—In carrying out this
12 subsection, the Director of the Bureau of Prisons shall
13 have 6 years beginning on the date of enactment of
14 this subsection to ensure appropriate recidivism re-
15 duction programming and productive activities, in-
16 cluding prison jobs, are available for all eligible pris-
17 oners.

18 “(3) *RECIDIVISM REDUCTION PARTNERSHIPS.*—
19 Not later than 18 months after the date of enactment
20 of this subsection, the Attorney General shall issue
21 regulations requiring the official in charge of each
22 correctional facility to ensure, subject to the avail-
23 ability of appropriations, that appropriate recidivism
24 reduction programming and productive activities, in-
25 cluding prison jobs, are available for all eligible pris-

1 *oners within the time period specified in paragraph*
2 *(2), by entering into partnerships with the following:*

3 *“(A) Nonprofit organizations, including*
4 *faith-based and community-based organizations,*
5 *that provide recidivism reduction programming,*
6 *on a paid or volunteer basis.*

7 *“(B) Educational institutions that will de-*
8 *liver academic classes in Bureau of Prisons fa-*
9 *cilities, on a paid or volunteer basis.*

10 *“(C) Private entities that will, on a volun-*
11 *teer basis—*

12 *“(i) deliver occupational and voca-*
13 *tional training and certifications in Bureau*
14 *of Prisons facilities;*

15 *“(ii) provide equipment to facilitate*
16 *occupational and vocational training or*
17 *employment opportunities for prisoners;*

18 *“(iii) employ prisoners; or*

19 *“(iv) assist prisoners in prerelease cus-*
20 *tody or supervised release in finding em-*
21 *ployment.*

22 *“(4) ASSIGNMENTS.—In assigning prisoners to*
23 *recidivism reduction programming and productive*
24 *activities, the Director of the Bureau of Prisons shall*
25 *use the Post-Sentencing Risk and Needs Assessment*

1 *System described in section 3621A and shall ensure*
2 *that—*

3 “(A) *to the extent practicable, prisoners are*
4 *separated from prisoners of other risk classifica-*
5 *tions in accordance with best practices for effec-*
6 *tive recidivism reduction;*

7 “(B) *a prisoner who has been classified as*
8 *low risk and without need for recidivism reduc-*
9 *tion programming shall participate in and suc-*
10 *cessfully complete productive activities, including*
11 *prison jobs, in order to maintain a low-risk clas-*
12 *sification;*

13 “(C) *a prisoner who has successfully com-*
14 *pleted all recidivism reduction programming to*
15 *which the prisoner was assigned shall partici-*
16 *pate in productive activities, including a prison*
17 *job; and*

18 “(D) *to the extent practicable, each eligible*
19 *prisoner shall participate in and successfully*
20 *complete recidivism reduction programming or*
21 *productive activities, including prison jobs,*
22 *throughout the entire term of incarceration of the*
23 *prisoner.*

24 “(5) *MENTORING SERVICES.—Any person who*
25 *provided mentoring services to a prisoner while the*

1 *prisoner was in a penal or correctional facility of the*
2 *Bureau of Prisons shall be permitted to continue such*
3 *services after the prisoner has been transferred into*
4 *prerelease custody, unless the person in charge of the*
5 *penal or correctional facility of the Bureau of Prisons*
6 *demonstrates, in a written document submitted to the*
7 *person, that such services would be a significant secu-*
8 *rity risk to the prisoner, persons who provide such*
9 *services, or any other person.*

10 *“(6) RECIDIVISM REDUCTION PROGRAM INCEN-*
11 *TIVES AND REWARDS.—Prisoners who have success-*
12 *fully completed recidivism reduction programs and*
13 *productive activities shall be eligible for the following:*

14 *“(A) TIME CREDITS.—*

15 *“(i) IN GENERAL.—Subject to clauses*
16 *(ii) and (iii), a prisoner who has success-*
17 *fully completed a recidivism reduction pro-*
18 *gram or productive activity shall receive*
19 *time credits of 5 days for each period of 30*
20 *days of successful completion of such pro-*
21 *gram or activity. A prisoner who is classi-*
22 *fied as low risk shall receive additional time*
23 *credits of 5 days for each period of 30 days*
24 *of successful completion of such program or*
25 *activity.*

1 “(ii) *AVAILABILITY.*—A prisoner may
2 not receive time credits under this subpara-
3 graph for successfully completing a recidi-
4 vism reduction program or productive ac-
5 tivity—

6 “(I) before the date of enactment
7 of this subsection; or

8 “(II) during official detention be-
9 fore the date on which the prisoner’s
10 sentence commences under section
11 3585(a).

12 “(iii) *EXCLUSIONS.*—No credit shall be
13 awarded under this subparagraph to a pris-
14 oner serving a sentence for a second or sub-
15 sequent conviction for a Federal offense im-
16 posed after the date on which the prisoner’s
17 first such conviction became final. No credit
18 shall be awarded under this subparagraph
19 to a prisoner who is in criminal history
20 category VI at the time of sentencing. No
21 credit shall be awarded under this subpara-
22 graph to any prisoner serving a sentence of
23 imprisonment for conviction for any of the
24 following offenses:

1 “(I) *A Federal crime of terrorism,*
2 *as defined under section 2332b(g)(5).*

3 “(II) *A Federal crime of violence,*
4 *as defined under section 16.*

5 “(III) *A Federal sex offense, as*
6 *described in section 111 of the Sex Of-*
7 *fender Registration and Notification*
8 *Act (42 U.S.C. 16911).*

9 “(IV) *A violation of section 1962.*

10 “(V) *Engaging in a continuing*
11 *criminal enterprise, as defined in sec-*
12 *tion 408 of the Controlled Substances*
13 *Act (21 U.S.C. 848).*

14 “(VI) *A Federal fraud offense for*
15 *which the prisoner received a sentence*
16 *of imprisonment of more than 15*
17 *years.*

18 “(VII) *A Federal crime involving*
19 *child exploitation, as defined in section*
20 *2 of the PROTECT Our Children Act*
21 *of 2008 (42 U.S.C. 17601).*

22 “(iv) *IDENTIFICATION OF COVERED OF-*
23 *FENSES.—Not later than 1 year after the*
24 *date of enactment of this subsection, the*
25 *United States Sentencing Commission shall*

1 *prepare and submit to the Director of the*
2 *Bureau of Prisons a list of all Federal of-*
3 *fenses described in subclauses (I) through*
4 *(VII) of clause (iii), and shall update such*
5 *list on an annual basis.*

6 *“(B) OTHER INCENTIVES.—The Bureau of*
7 *Prisons shall develop policies to provide appro-*
8 *priate incentives for successful completion of re-*
9 *cidivism reduction programming and productive*
10 *activities, other than time credit pursuant to*
11 *subparagraph (A), including incentives for pris-*
12 *oners who are precluded from earning credit*
13 *under subparagraph (A)(iii). Such incentives*
14 *may include additional telephone or visitation*
15 *privileges for use with family, close friends, men-*
16 *tors, and religious leaders.*

17 *“(C) PENALTIES.—The Bureau of Prisons*
18 *may reduce rewards a prisoner has previously*
19 *earned under subparagraph (A) for prisoners*
20 *who violate the rules of the penal or correctional*
21 *facility in which the prisoner is imprisoned, a*
22 *recidivism reduction program, or a productive*
23 *activity.*

24 *“(D) RELATION TO OTHER INCENTIVE PRO-*
25 *GRAMS.—The incentives described in this para-*

1 *graph shall be in addition to any other rewards*
2 *or incentives for which a prisoner may be eligi-*
3 *ble, except that a prisoner shall not be eligible for*
4 *the time credits described in subparagraph (A) if*
5 *the prisoner has accrued time credits under an-*
6 *other provision of law based solely upon partici-*
7 *pation in, or successful completion of, such pro-*
8 *gram.*

9 “(7) *SUCCESSFUL COMPLETION.*—*For purposes*
10 *of this subsection, a prisoner—*

11 “(A) *shall be considered to have successfully*
12 *completed a recidivism reduction program or*
13 *productive activity, if the Bureau of Prisons de-*
14 *termines that the prisoner—*

15 “(i) *regularly attended and partici-*
16 *pated in the recidivism reduction program*
17 *or productive activity;*

18 “(ii) *regularly completed assignments*
19 *or tasks in a manner that allowed the pris-*
20 *oner to realize the criminogenic benefits of*
21 *the recidivism reduction program or pro-*
22 *ductive activity;*

23 “(iii) *did not regularly engage in dis-*
24 *ruptive behavior that seriously undermined*

1 *the administration of the recidivism reduc-*
2 *tion program or productive activity; and*

3 “*(iv) satisfied the requirements of*
4 *clauses (i) through (iii) for a time period*
5 *that is not less than 30 days and allowed*
6 *the prisoner to realize the criminogenic ben-*
7 *efits of the recidivism reduction program or*
8 *productive activity; and*

9 “*(B) for purposes of paragraph (6)(A), may*
10 *be given credit for successful completion of a re-*
11 *cidivism reduction program or productive activ-*
12 *ity for the time period during which the prisoner*
13 *participated in such program or activity if the*
14 *prisoner satisfied the requirements of subpara-*
15 *graph (A) during such time period, notwith-*
16 *standing that the prisoner continues to partici-*
17 *pate in such program or activity.*

18 “(8) *DEFINITIONS.—In this subsection:*

19 “*(A) ELIGIBLE PRISONER.—For purposes of*
20 *this subsection, the term ‘eligible prisoner’—*

21 “*(i) means a prisoner serving a sen-*
22 *tence of incarceration for conviction of a*
23 *Federal offense; and*

24 “*(ii) does not include any prisoner*
25 *who the Bureau of Prisons determines—*

1 “(I) is medically unable to suc-
2 cessfully complete recidivism reduction
3 programming or productive activities;

4 “(II) would present a security
5 risk if permitted to participate in re-
6 cidivism reduction programming; or

7 “(III) is serving a sentence of in-
8 carceration of less than 1 month.

9 “(B) *PRODUCTIVE ACTIVITY*.—The term
10 ‘productive activity’—

11 “(i) means a group or individual ac-
12 tivity, including holding a job as part of a
13 prison work program, that is designed to
14 allow prisoners classified as having a lower
15 risk of recidivism to maintain such classi-
16 fication, when offered to such prisoners; and

17 “(ii) may include the delivery of the
18 activities described in subparagraph
19 (C)(i)(II) to other prisoners.

20 “(C) *RECIDIVISM REDUCTION PROGRAM*.—
21 The term ‘recidivism reduction program’—

22 “(i) means a group or individual ac-
23 tivity that—

1 “(I) has been shown by evidence
2 to reduce recidivism or promote suc-
3 cessful reentry; and

4 “(II) may include—

5 “(aa) classes on social learn-
6 ing and life skills;

7 “(bb) classes on morals or
8 ethics;

9 “(cc) academic classes;

10 “(dd) cognitive behavioral
11 treatment;

12 “(ee) mentoring;

13 “(ff) occupational and voca-
14 tional training;

15 “(gg) faith-based classes or
16 services;

17 “(hh) victim-impact classes
18 or other restorative justice pro-
19 grams; and

20 “(ii) a prison job; and

21 “(i) shall include—

22 “(I) a productive activity; and

23 “(II) recovery programming.

24 “(D) RECOVERY PROGRAMMING.—The term
25 ‘recovery programming’ means a course of in-

1 *struction or activities, other than a course de-*
 2 *scribed in subsection (e), that has been dem-*
 3 *onstrated to reduce drug or alcohol abuse or de-*
 4 *pendence among participants, or to promote re-*
 5 *covery among individuals who have previously*
 6 *abused alcohol or drugs.”.*

7 **SEC. 3. POST-SENTENCING RISK AND NEEDS ASSESSMENT**
 8 **SYSTEM.**

9 *(a) IN GENERAL.—Subchapter C of chapter 229 of title*
 10 *18, United States Code, is amended by inserting after sec-*
 11 *tion 3621 the following:*

12 **“§3621A. Post-sentencing risk and needs assessment**
 13 **system**

14 *“(a) IN GENERAL.—Not later than 30 months after the*
 15 *date of the enactment of this section, the Attorney General*
 16 *shall develop for use by the Bureau of Prisons an offender*
 17 *risk and needs assessment system, to be known as the ‘Post-*
 18 *Sentencing Risk and Needs Assessment System’ or the ‘As-*
 19 *essment System’, which shall—*

20 *“(1) assess and determine the recidivism risk*
 21 *level of all prisoners and classify each prisoner as*
 22 *having a low, moderate, or high risk of recidivism;*

23 *“(2) ensure that, to the extent practicable, low-*
 24 *risk prisoners are grouped together in housing and as-*
 25 *signment decisions;*

1 “(3) assign each prisoner to appropriate recidi-
2 vism reduction programs or productive activities
3 based on the prisoner’s risk level and the specific
4 criminogenic needs of the prisoner, and in accordance
5 with section 3621(h)(4);

6 “(4) reassess and update the recidivism risk level
7 and programmatic needs of each prisoner pursuant to
8 the schedule set forth in subsection (c)(2), and assess
9 changes in the prisoner’s recidivism risk within a
10 particular risk level; and

11 “(5) provide information on best practices con-
12 cerning the tailoring of recidivism reduction pro-
13 grams to the specific criminogenic needs of each pris-
14 oner so as to effectively lower the prisoner’s risk of
15 recidivating.

16 “(b) DEVELOPMENT OF SYSTEM.—

17 “(1) IN GENERAL.—In designing the Assessment
18 System, the Attorney General shall—

19 “(A) use available research and best prac-
20 tices in the field and consult with academic and
21 other criminal justice experts as appropriate;
22 and

23 “(B) ensure that the Assessment System
24 measures indicators of progress and improve-
25 ment, and of regression, including newly ac-

1 *quired skills, attitude, and behavior changes over*
2 *time, through meaningful consideration of dy-*
3 *namic risk factors, such that—*

4 “(i) *all prisoners at each risk level*
5 *other than low risk have a meaningful op-*
6 *portunity to progress to a lower risk classi-*
7 *fication during the period of the incarcer-*
8 *ation of the prisoner through changes in dy-*
9 *namic risk factors; and*

10 “(ii) *all prisoners on prerelease cus-*
11 *tody, other than prisoners classified as low*
12 *risk, have a meaningful opportunity to*
13 *progress to a lower risk classification dur-*
14 *ing such custody through changes in dy-*
15 *namic risk factors.*

16 “(2) *RISK AND NEEDS ASSESSMENT TOOLS.—In*
17 *carrying out this subsection, the Attorney General*
18 *shall—*

19 “(A) *develop a suitable intake assessment*
20 *tool to perform the initial assessments and deter-*
21 *minations described in subsection (a)(1), and to*
22 *make the assignments described in subsection*
23 *(a)(3);*

1 “(B) develop a suitable reassessment tool to
2 perform the reassessments and updates described
3 in subsection (a)(4); and

4 “(C) develop a suitable tool to assess the re-
5 cidivism risk level of prisoners in prerelease cus-
6 tody.

7 “(3) *USE OF EXISTING RISK AND NEEDS ASSESS-*
8 *MENT TOOLS PERMITTED.*—*In carrying out this sub-*
9 *section, the Attorney General may use existing risk*
10 *and needs assessment tools, as appropriate, for the as-*
11 *essment tools required under paragraph (2).*

12 “(4) *VALIDATION.*—*In carrying out this sub-*
13 *section, the Attorney General shall statistically vali-*
14 *date the risk and needs assessment tools on the Fed-*
15 *eral prison population, or ensure that the tools have*
16 *been so validated. To the extent such validation can-*
17 *not be completed with the time period specified in*
18 *subsection (a), the Attorney General shall ensure that*
19 *such validation is completed as soon as is practicable.*

20 “(5) *RELATIONSHIP WITH EXISTING CLASSIFICA-*
21 *TION SYSTEMS.*—*The Bureau of Prisons may incor-*
22 *porate its existing Inmate Classification System into*
23 *the Assessment System if the Assessment System as-*
24 *sesses the risk level and criminogenic needs of each*
25 *prisoner and determines the appropriate security level*

1 *institution for each prisoner. Before the development*
2 *of the Assessment System, the Bureau of Prisons may*
3 *use the existing Inmate Classification System, or a*
4 *pre-existing risk and needs assessment tool that can*
5 *be used to classify prisoners consistent with subsection*
6 *(a)(1), or can be reasonably adapted for such purpose,*
7 *for purposes of this section, section 3621(h), and sec-*
8 *tion 3624(c).*

9 *“(c) RISK ASSESSMENT.—*

10 *“(1) INITIAL ASSESSMENTS.—Not later than 30*
11 *months after the date on which the Attorney General*
12 *develops the Assessment System, the Bureau of Pris-*
13 *ons shall determine the risk level of each prisoner*
14 *using the Assessment System.*

15 *“(2) REASSESSMENTS AND UPDATES.—The Bu-*
16 *reau of Prisons shall update the assessment of each*
17 *prisoner required under paragraph (1)—*

18 *“(A) not less frequently than once each year*
19 *for any prisoner whose anticipated release date*
20 *is within 3 years;*

21 *“(B) not less frequently than once every 2*
22 *years for any prisoner whose anticipated release*
23 *date is within 10 years; and*

24 *“(C) not less frequently than once every 3*
25 *years for any other prisoner.*

1 “(d) *ASSIGNMENT OF RECIDIVISM REDUCTION PRO-*
 2 *GRAMS OR PRODUCTIVE ACTIVITIES.*—*The Assessment Sys-*
 3 *tem shall provide guidance on the kind and amount of re-*
 4 *cidivism reduction programming or productive activities*
 5 *appropriate for each prisoner.*

6 “(e) *BUREAU OF PRISONS TRAINING.*—*The Attorney*
 7 *General shall develop training protocols and programs for*
 8 *Bureau of Prisons officials and employees responsible for*
 9 *administering the Assessment System. Such training proto-*
 10 *cols shall include a requirement that personnel of the Bu-*
 11 *reau of Prisons demonstrate competence in using the meth-*
 12 *odology and procedure developed under this section on a*
 13 *regular basis.*

14 “(f) *QUALITY ASSURANCE.*—*In order to ensure that the*
 15 *Bureau of Prisons is using the Assessment System in an*
 16 *appropriate and consistent manner, the Attorney General*
 17 *shall monitor and assess the use of the Assessment System*
 18 *and shall conduct periodic audits of the use of the Assess-*
 19 *ment System at facilities of the Bureau of Prisons.*

20 “(g) *DETERMINATIONS AND CLASSIFICATIONS*
 21 *UNREVIEWABLE.*—*Subject to any constitutional limita-*
 22 *tions, there shall be no right of review, right of appeal, cog-*
 23 *nizable property interest, or cause of action, either adminis-*
 24 *trative or judicial, arising from any determination or clas-*
 25 *sification made by any Federal agency or employee while*

1 *implementing or administering the Assessment System, or*
 2 *any rules or regulations promulgated under this section.*

3 “(h) *DEFINITIONS.—In this section:*

4 “(1) *DYNAMIC RISK FACTOR.—The term ‘dy-*
 5 *namic risk factor’ means a characteristic or attribute*
 6 *that has been shown to be relevant to assessing risk*
 7 *of recidivism and that can be modified based on a*
 8 *prisoner’s actions, behaviors, or attitudes, including*
 9 *through completion of appropriate programming or*
 10 *other means, in a prison setting.*

11 “(2) *RECIDIVISM RISK.—The term ‘recidivism*
 12 *risk’ means the likelihood that a prisoner will commit*
 13 *additional crimes for which the prisoner could be*
 14 *prosecuted in a Federal, State, or local court in the*
 15 *United States.*

16 “(3) *RECIDIVISM REDUCTION PROGRAM; PRODUCTIVE*
 17 *ACTIVITY; RECOVERY PROGRAMMING.—The terms*
 18 *‘recidivism reduction program’, ‘productive activity’,*
 19 *and ‘recovery programming’ shall have the meaning*
 20 *given such terms in section 3621(h)(8).”.*

21 (b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
 22 *table of sections for subchapter C of chapter 229 of title 18,*
 23 *United States Code, is amended by inserting after the item*
 24 *relating to section 3621 the following:*

“3621A. Post-sentencing risk and needs assessment system.”.

1 **SEC. 4. PRERELEASE CUSTODY.**

2 (a) *IN GENERAL.*—Section 3624(c) of title 18, United
3 States Code, is amended—

4 (1) *in paragraph (1), by striking the period at*
5 *the end of the second sentence and inserting “or home*
6 *confinement, subject to the limitation that no prisoner*
7 *may serve more than 10 percent of the prisoner’s im-*
8 *posed sentence in home confinement pursuant to this*
9 *paragraph.”;*

10 (2) *by striking paragraphs (2) and (3) and in-*
11 *serting the following:*

12 “(2) *CREDIT FOR RECIDIVISM REDUCTION.*—*In*
13 *addition to any time spent in prerelease custody pur-*
14 *suant to paragraph (1), a prisoner shall spend an ad-*
15 *ditional portion of the final months of the prisoner’s*
16 *sentence, equivalent to the amount of time credit the*
17 *prisoner has earned pursuant to section*
18 *3621(h)(6)(A), in prerelease custody, if—*

19 (A) *the prisoner’s most recent risk and*
20 *needs assessment, conducted within 1 year of the*
21 *date on which the prisoner would first be eligible*
22 *for transfer to prerelease custody pursuant to*
23 *paragraph (1) and this paragraph, reflects that*
24 *the prisoner is classified as low or moderate risk;*
25 *and*

1 “(B) for a prisoner classified as moderate
2 risk, the prisoner’s most recent risk and needs
3 assessment reflects that the prisoner’s risk of re-
4 cidivism has declined during the period of the
5 prisoner’s incarceration.

6 “(3) TYPES OF PRERELEASE CUSTODY.—A pris-
7 oner eligible to serve a portion of the prisoner’s sen-
8 tence in prerelease custody pursuant to paragraph (2)
9 may serve such portion in a residential reentry cen-
10 ter, on home confinement, or, subject to paragraph
11 (5), on community supervision.”;

12 (3) by redesignating paragraphs (4) through (6)
13 as paragraphs (9) through (11), respectively;

14 (4) by inserting the following after paragraph
15 (3):

16 “(4) HOME CONFINEMENT.—

17 “(A) IN GENERAL.—Upon placement in
18 home confinement pursuant to paragraph (2), a
19 prisoner shall—

20 “(i) be subject to 24-hour electronic
21 monitoring that enables the prompt identi-
22 fication of any violation of clause (ii);

23 “(ii) remain in the prisoner’s resi-
24 dence, with the exception of the following

1 *activities, subject to approval by the Direc-*
2 *tor of the Bureau of Prisons—*

3 *“(I) participation in a job or job-*
4 *seeking activities;*

5 *“(II) participation in recidivism*
6 *reduction programming or productive*
7 *activities assigned by the Post-Sen-*
8 *tencing Risk and Needs Assessment*
9 *System, or similar activities approved*
10 *in advance by the Director of the Bu-*
11 *reau of Prisons;*

12 *“(III) participation in commu-*
13 *nity service;*

14 *“(IV) crime victim restoration ac-*
15 *tivities;*

16 *“(V) medical treatment; or*

17 *“(VI) religious activities; and*

18 *“(iii) comply with such other condi-*
19 *tions as the Director of the Bureau of Pris-*
20 *ons deems appropriate.*

21 *“(B) ALTERNATIVE MEANS OF MONI-*
22 *TORING.—If compliance with subparagraph*
23 *(A)(i) is infeasible due to technical limitations*
24 *or religious considerations, the Director of the*
25 *Bureau of Prisons may employ alternative*

1 means of monitoring that are determined to be
2 as effective as or more effective than electronic
3 monitoring.

4 “(C) MODIFICATIONS.—The Director of the
5 Bureau of Prisons may modify the conditions of
6 the prisoner’s home confinement for compelling
7 reasons, if the prisoner’s record demonstrates ex-
8 emplary compliance with such conditions.

9 “(5) COMMUNITY SUPERVISION.—

10 “(A) TIME CREDIT LESS THAN 36
11 MONTHS.—Any prisoner described in subpara-
12 graph (D) who has earned time credit of less
13 than 36 months pursuant to section
14 3621(h)(6)(A) shall be eligible to serve no more
15 than one-half of the amount of such credit on
16 community supervision, if the prisoner satisfies
17 the conditions set forth in subparagraph (C).

18 “(B) TIME CREDIT OF 36 MONTHS OR
19 MORE.—Any prisoner described in subparagraph
20 (D) who has earned time credit of 36 months or
21 more pursuant to section 3621(h)(6)(A) shall be
22 eligible to serve the amount of such credit exceed-
23 ing 18 months on community supervision, if the
24 prisoner satisfies the conditions set forth in sub-
25 paragraph (C).

1 “(C) *CONDITIONS OF COMMUNITY SUPER-*
2 *VISION.*—A prisoner placed on community super-
3 *vision shall be subject to such conditions as the*
4 *Director of the Bureau of Prisons deems appro-*
5 *priate. A prisoner on community supervision*
6 *may remain on community supervision until the*
7 *conclusion of the prisoner’s sentence of incarcer-*
8 *ation if the prisoner—*

9 “(i) *complies with all conditions of*
10 *prerelease custody;*

11 “(ii) *remains current on any financial*
12 *obligations imposed as part of the prisoner’s*
13 *sentence, including payments of court-or-*
14 *dered restitution arising from the offense of*
15 *conviction; and*

16 “(iii) *refrains from committing any*
17 *State, local, or Federal offense.*

18 “(D) *COVERED PRISONERS.*—A prisoner de-
19 *scribed in this subparagraph is a prisoner*
20 *who—*

21 “(i) *is classified as low risk by the*
22 *Post-Sentencing Risk and Needs Assessment*
23 *System in the assessment conducted for pur-*
24 *poses of paragraph (2); or*

1 “(ii) is subsequently classified as low
2 risk by the Post-Sentencing Risk and Needs
3 Assessment System.

4 “(6) VIOLATIONS.—If a prisoner violates a con-
5 dition of the prisoner’s prerelease custody, the Direc-
6 tor of the Bureau of Prisons may revoke the prisoner’s
7 prerelease custody and require the prisoner to serve
8 the remainder of the prisoner’s term of incarceration,
9 or any portion thereof, in prison, or impose addi-
10 tional conditions on the prisoner’s prerelease custody
11 as the Director of the Bureau of Prisons deems appro-
12 priate. If the violation is non-technical in nature, the
13 Director of the Bureau of Prisons shall revoke the
14 prisoner’s prerelease custody.

15 “(7) CREDIT FOR PRERELEASE CUSTODY.—Upon
16 completion of a prisoner’s sentence, any term of su-
17 pervised release imposed on the prisoner shall be re-
18 duced by the amount of time the prisoner served in
19 prerelease custody pursuant to paragraph (2).

20 “(8) AGREEMENTS WITH UNITED STATES PROBA-
21 TION AND PRETRIAL SERVICES.—The Director of the
22 Bureau of Prisons shall, to the extent practicable,
23 enter into agreements with the United States Proba-
24 tion and Pretrial Services to supervise prisoners
25 placed in home confinement or community super-

1 *vision under this subsection. Such agreements may*
2 *authorize United States Probation and Pretrial Serv-*
3 *ices to exercise the authority granted to the Director*
4 *of the Bureau of Prisons pursuant to paragraphs (4),*
5 *(5), and (12). United States Probation and Pretrial*
6 *Services shall, to the extent practicable, offer assist-*
7 *ance to any prisoner not under its supervision during*
8 *prerelease custody under this subsection.”; and*

9 *(5) by inserting at the end the following:*

10 *“(12) DETERMINATION OF APPROPRIATE CONDI-*
11 *TIONS FOR PRERELEASE CUSTODY.—In determining*
12 *appropriate conditions for prerelease custody pursu-*
13 *ant to this subsection, and in accordance with para-*
14 *graph (5), the Director of the Bureau of Prisons shall,*
15 *to the extent practicable, subject prisoners who dem-*
16 *onstrate continued compliance with the requirements*
17 *of such prerelease custody to increasingly less restric-*
18 *tive conditions, so as to most effectively prepare such*
19 *prisoners for reentry. No prisoner shall be transferred*
20 *to community supervision unless the length of the*
21 *prisoner’s eligibility for community supervision pur-*
22 *suant to paragraph (5) is equivalent to or greater*
23 *than the length of the prisoner’s remaining period of*
24 *prerelease custody.*

1 “(13) *ALIENS SUBJECT TO DEPORTATION.*—If the
2 *prisoner is an alien whose deportation was ordered as*
3 *a condition of supervised release or who is subject to*
4 *a detainer filed by Immigration and Customs En-*
5 *forcement for the purposes of determining the alien’s*
6 *deportability, the Director of the Bureau of Prisons*
7 *shall, upon the prisoner’s transfer to prerelease cus-*
8 *tody pursuant to paragraphs (1) and (2), deliver the*
9 *prisoner to United States Immigration and Customs*
10 *Enforcement for the purpose of conducting pro-*
11 *ceedings relating to the alien’s deportation.*

12 “(14) *NOTICE TO COURT.*—

13 “(A) *IN GENERAL.*—The Director of the Bu-
14 *reau of Prisons may not transfer a prisoner to*
15 *prerelease custody pursuant to paragraph (2) if*
16 *the prisoner has been sentenced to a term of in-*
17 *carceration of more than 3 years, unless the Di-*
18 *rector of the Bureau of Prisons provides prior*
19 *notice to the sentencing court.*

20 “(B) *TIME REQUIREMENT.*—The notice re-
21 *quired under subparagraph (A) shall be provided*
22 *not later than 6 months before the date on which*
23 *the prisoner is to be transferred.*

1 “(C) *CONTENTS OF NOTICE.*—*The notice re-*
2 *quired under subparagraph (A) shall include the*
3 *following information:*

4 “(i) *The amount of credit earned pur-*
5 *suant to paragraph (2).*

6 “(ii) *The anticipated date of the pris-*
7 *oner’s transfer.*

8 “(iii) *The nature of the prisoner’s*
9 *planned prerelease custody.*

10 “(iv) *The prisoner’s behavioral record.*

11 “(v) *The most recent risk assessment of*
12 *the prisoner.*

13 “(D) *HEARING.*—

14 “(i) *IN GENERAL.*—*The court may, on*
15 *motion of the Government or on the court’s*
16 *own motion, conduct a hearing on the pris-*
17 *oner’s transfer to prerelease custody.*

18 “(ii) *PRISONER’S PRESENCE.*—*The*
19 *prisoner shall have the right to be present at*
20 *a hearing described in clause (i), which*
21 *right the prisoner may waive.*

22 “(iii) *MOTION.*—*A motion filed by the*
23 *Government seeking a hearing—*

24 “(I) *shall set forth the basis for*
25 *the Government’s request that the pris-*

1 oner’s transfer be denied or modified
2 pursuant to subparagraph (E); and

3 “(II) shall not require the Court
4 to conduct a hearing described in
5 clause (i).

6 “(E) DETERMINATION OF THE COURT.—The
7 court may deny the transfer of the prisoner to
8 prerelease custody or modify the terms of such
9 transfer, if, after conducting a hearing pursuant
10 to subparagraph (D), the court finds in writing,
11 by a preponderance of the evidence, that the
12 transfer of the prisoner is inconsistent with the
13 factors specified in paragraphs (2), (6), and (7)
14 of section 3553(a).”.

15 (b) EFFECTIVE DATE.—The amendments made by this
16 section shall take effect 1 year after the date of enactment
17 of this Act.

18 **SEC. 5. REPORTS.**

19 (a) ANNUAL REPORTS.—Not later than 1 year after
20 the date of enactment of this Act, and every year thereafter,
21 the Attorney General shall submit to the appropriate com-
22 mittees of Congress a report that contains the following:

23 (1) A summary of the activities and accomplish-
24 ments of the Attorney General in carrying out this
25 Act and the amendments made by this Act.

1 (2) *An assessment of the status and use of the*
2 *Post-Sentencing Risk and Needs Assessment System*
3 *by the Bureau of Prisons, including the number of*
4 *prisoners classified at each risk level under the Post-*
5 *Sentencing Risk and Needs Assessment System at*
6 *each facility of the Bureau of Prisons.*

7 (3) *A summary and assessment of the types and*
8 *effectiveness of the recidivism reduction programs and*
9 *productive activities in facilities operated by the Bu-*
10 *reau of Prisons, including—*

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

13 (B) *the capacity of each program and activ-*
14 *ity at each facility, including the number of*
15 *prisoners along with the risk level of each pris-*
16 *oner enrolled in each program and activity; and*

17 (C) *identification of any problems or short-*
18 *ages in capacity of such programs and activities,*
19 *and how these should be remedied.*

20 (4) *An assessment of budgetary savings resulting*
21 *from this Act and the amendments made by this Act,*
22 *to include—*

23 (A) *a summary of savings resulting from*
24 *the transfer of prisoners into prerelease custody*

1 *under this Act and the amendments made by this*
2 *Act;*

3 *(B) a summary of savings resulting from*
4 *any decrease in recidivism that may be attrib-*
5 *uted to the implementation of the Post-Sen-*
6 *tencing Risk and Needs Assessment System or*
7 *the increase in recidivism reduction programs*
8 *and productive activities required by this Act*
9 *and the amendments made by this Act; and*

10 *(C) a strategy to reinvest such savings into*
11 *other Federal, State, and local law enforcement*
12 *activities and expansions of recidivism reduction*
13 *programs and productive activities in the Bu-*
14 *reau of Prisons.*

15 *(b) PRISON WORK PROGRAMS REPORT.—Not later*
16 *than 180 days after the date of enactment of this Act, the*
17 *Attorney General shall submit to the appropriate commit-*
18 *tees of Congress a report on the status of prison work pro-*
19 *grams at facilities operated by the Bureau of Prisons, in-*
20 *cluding—*

21 *(1) a strategy to expand the availability of such*
22 *programs without reducing job opportunities for*
23 *workers in the United States who are not in the cus-*
24 *tody of the Bureau of Prisons;*

1 (2) *an assessment of the feasibility of expanding*
2 *such programs, consistent with the strategy required*
3 *under paragraph (1), so that, not later than 5 years*
4 *after the date of enactment of this Act, not less than*
5 *75 percent of eligible low-risk offenders have the op-*
6 *portunity to participate in a prison work program*
7 *for not less than 20 hours per week; and*

8 (3) *a detailed discussion of legal authorities that*
9 *would be useful or necessary to achieve the goals de-*
10 *scribed in paragraphs (1) and (2).*

11 *(c) REPORTING ON RECIDIVISM RATES.—*

12 (1) *IN GENERAL.—Beginning 1 year after the*
13 *date of enactment of this Act, and every year there-*
14 *after, the Attorney General, in consultation with the*
15 *Administrative Office of the United States Courts,*
16 *shall report to the appropriate committees of Congress*
17 *on rates of recidivism among individuals who have*
18 *been released from Federal prison and who are under*
19 *judicial supervision.*

20 (2) *CONTENTS.—The report required under*
21 *paragraph (1) shall contain information on rates of*
22 *recidivism among former Federal prisoners, including*
23 *information on rates of recidivism among former Fed-*
24 *eral prisoners based on the following criteria:*

25 (A) *Primary offense charged.*

1 (B) *Length of sentence imposed and served.*

2 (C) *Bureau of Prisons facility or facilities*
3 *in which the prisoner’s sentence was served.*

4 (D) *Recidivism reduction programming*
5 *that the prisoner successfully completed, if any.*

6 (E) *The prisoner’s assessed risk of recidi-*
7 *vism.*

8 (3) *ASSISTANCE.—The Administrative Office of*
9 *the United States Courts shall provide to the Attorney*
10 *General any information in its possession that is nec-*
11 *essary for the completion of the report required under*
12 *paragraph (1).*

13 (d) *REPORTING ON EXCLUDED PRISONERS.—Not later*
14 *than 8 years after the date of enactment of this Act, the*
15 *Attorney General shall submit to the appropriate commit-*
16 *tees of Congress a report on the effectiveness of recidivism*
17 *reduction programs and productive activities offered to*
18 *prisoners described in section 3621(h)(6)(A)(iii) of title 18,*
19 *United States Code, as added by this Act, as well as those*
20 *ineligible for credit toward prerelease custody under section*
21 *3624(c)(2) of title 18, United States Code, as added by this*
22 *Act, which shall review the effectiveness of different cat-*
23 *egories of incentives in reducing recidivism.*

24 (e) *DEFINITION.—The term “appropriate committees*
25 *of Congress” means—*

1 (1) *the Committee on the Judiciary and the Sub-*
 2 *committee on Commerce, Justice, Science, and Re-*
 3 *lated Agencies of the Committee on Appropriations of*
 4 *the Senate; and*

5 (2) *the Committee on the Judiciary and the Sub-*
 6 *committee on Commerce, Justice, Science, and Re-*
 7 *lated Agencies of the Committee on Appropriations of*
 8 *the House of Representatives.*

9 **SEC. 6. PROMOTING SUCCESSFUL REENTRY.**

10 (a) *FEDERAL REENTRY DEMONSTRATION*
 11 *PROJECTS.—*

12 (1) *EVALUATION OF EXISTING BEST PRACTICES*
 13 *FOR REENTRY.—Not later than 2 years after the date*
 14 *of enactment of this Act, the Attorney General, in*
 15 *consultation with the Administrative Office of the*
 16 *United States Courts, shall—*

17 (A) *evaluate best practices used for the re-*
 18 *entry into society of individuals released from*
 19 *the custody of the Bureau of Prisons, includ-*
 20 *ing—*

21 (i) *conducting examinations of reentry*
 22 *practices in State and local justice systems;*
 23 *and*

24 (ii) *consulting with Federal, State, and*
 25 *local prosecutors, Federal, State, and local*

1 *public defenders, nonprofit organizations*
2 *that provide reentry services, and criminal*
3 *justice experts; and*

4 *(B) submit to the Committee on the Judici-*
5 *ary of the Senate and the Committee on the Ju-*
6 *diciary of the House of Representatives a report*
7 *that details the evaluation conducted under sub-*
8 *paragraph (A).*

9 (2) *CREATION OF REENTRY DEMONSTRATION*
10 *PROJECTS.—Not later than 3 years after the date of*
11 *enactment of this Act, the Attorney General, in con-*
12 *sultation with the Administrative Office of the United*
13 *States Courts, shall, subject to the availability of ap-*
14 *propriations, select an appropriate number of Federal*
15 *judicial districts to conduct Federal reentry dem-*
16 *onstration projects using the best practices identified*
17 *in the evaluation conducted under paragraph (1). The*
18 *Attorney General shall determine the appropriate*
19 *number of Federal judicial districts to conduct dem-*
20 *onstration projects under this paragraph.*

21 (3) *PROJECT DESIGN.—For each Federal judicial*
22 *district selected under paragraph (2), the United*
23 *States Attorney, in consultation with the Chief Judge,*
24 *the Chief Federal Defender, the Chief Probation Offi-*
25 *cer, the Bureau of Justice Assistance, the National In-*

1 *stitute of Justice, and criminal justice experts shall*
2 *design a Federal reentry demonstration project for the*
3 *Federal judicial district in accordance with para-*
4 *graph (4).*

5 (4) *PROJECT ELEMENTS.—A project designed*
6 *under paragraph (3) shall coordinate efforts by Fed-*
7 *eral agencies to assist participating prisoners in pre-*
8 *paring for and adjusting to reentry into the commu-*
9 *nity and may include, as appropriate—*

10 (A) *the use of community correctional fa-*
11 *cilities and home confinement, as determined to*
12 *be appropriate by the Bureau of Prisons;*

13 (B) *a reentry review team for each prisoner*
14 *to develop a reentry plan specific to the needs of*
15 *the prisoner, and to meet with the prisoner fol-*
16 *lowing transfer to monitor the reentry plan;*

17 (C) *steps to assist the prisoner in obtaining*
18 *health care, housing, and employment, before the*
19 *prisoner's release from a community correctional*
20 *facility or home confinement;*

21 (D) *regular drug testing for participants*
22 *with a history of substance abuse;*

23 (E) *substance abuse treatment, which may*
24 *include addiction treatment medication, if ap-*
25 *propriate, medical treatment, including mental*

1 *health treatment, occupational, vocational and*
2 *educational training, life skills instruction, re-*
3 *covery support, conflict resolution training, and*
4 *other programming to promote effective re-*
5 *integration into the community;*

6 *(F) the participation of volunteers to serve*
7 *as advisors and mentors to prisoners being re-*
8 *leased into the community;*

9 *(G) steps to ensure that the prisoner makes*
10 *satisfactory progress toward satisfying any obli-*
11 *gations to victims of the prisoner's offense, in-*
12 *cluding any obligation to pay restitution; and*

13 *(H) the appointment of a reentry coordi-*
14 *nator in the United States Attorney's Office.*

15 *(5) REVIEW OF PROJECT OUTCOMES.—Not later*
16 *than 5 years after the date of enactment of this Act,*
17 *the Administrative Office of the United States Courts,*
18 *in consultation with the Attorney General, shall—*

19 *(A) evaluate the results from each Federal*
20 *judicial district selected under paragraph (2),*
21 *including the extent to which participating pris-*
22 *oners released from the custody of the Bureau of*
23 *Prisons were successfully reintegrated into their*
24 *communities, including whether the partici-*

1 *pating prisoners maintained employment, and*
 2 *refrained from committing further offenses; and*

3 *(B) submit to the Committee on the Judici-*
 4 *ary of the Senate and the Committee on the Ju-*
 5 *diciary of the House of Representatives a report*
 6 *that contains—*

7 *(i) the evaluation of the best practices*
 8 *identified in the report required under*
 9 *paragraph (1); and*

10 *(ii) the results of the demonstration*
 11 *projects required under paragraph (2).*

12 *(b) STUDY ON THE IMPACT OF REENTRY ON CERTAIN*
 13 *COMMUNITIES.—*

14 *(1) IN GENERAL.—Not later than 2 years after*
 15 *the date of enactment of this Act, the Attorney Gen-*
 16 *eral, in consultation with the Administrative Office of*
 17 *the United States Courts, shall submit to the Com-*
 18 *mittee on the Judiciary of the Senate and the Com-*
 19 *mittee on the Judiciary of the House of Representa-*
 20 *tives a report on the impact of reentry of prisoners*
 21 *on communities in which a disproportionate number*
 22 *of individuals reside upon release from incarceration.*

23 *(2) CONTENTS.—The report required under*
 24 *paragraph (1) shall analyze the impact of reentry of*
 25 *individuals released from both State and Federal cor-*

1 *rectional systems as well as State and Federal juve-*
 2 *nile justice systems, and shall include—*

3 *(A) an assessment of the reentry burdens*
 4 *borne by local communities;*

5 *(B) a review of the resources available in*
 6 *such communities to support successful reentry,*
 7 *including resources provided by State, local, and*
 8 *Federal governments, the extent to which those*
 9 *resources are used effectively; and*

10 *(C) recommendations to strengthen the re-*
 11 *sources in such communities available to support*
 12 *successful reentry and to lessen the burden placed*
 13 *on such communities by the need to support re-*
 14 *entry.*

15 *(c) FACILITATING REENTRY ASSISTANCE TO VET-*
 16 *ERANS.—*

17 *(1) IN GENERAL.—Not later than 2 months after*
 18 *the date of the commencement of a prisoner's sentence*
 19 *pursuant to section 3585(a) of title 18, United States*
 20 *Code, the Director of the Bureau of Prisons shall no-*
 21 *tify the Secretary of Veterans Affairs if the prisoner's*
 22 *presentence report, prepared pursuant to section 3552*
 23 *of title 18, United States Code, indicates that the*
 24 *prisoner has previously served in the Armed Forces of*

1 *the United States or if the prisoner has so notified the*
 2 *Bureau of Prisons.*

3 (2) *POST-COMMENCEMENT NOTICE.*—*If the pris-*
 4 *oner informs the Bureau of Prisons of the prisoner’s*
 5 *prior service in the Armed Forces of the United States*
 6 *after the commencement of the prisoner’s sentence, the*
 7 *Director of the Bureau of Prisons shall notify the Sec-*
 8 *retary of Veterans Affairs not later than 2 months*
 9 *after the date on which the prisoner provides such no-*
 10 *tice.*

11 (3) *CONTENTS OF NOTICE.*—*The notice provided*
 12 *by the Director of the Bureau of Prisons to the Sec-*
 13 *retary of Veterans Affairs under this subsection shall*
 14 *include the identity of the prisoner, the facility in*
 15 *which the prisoner is located, the prisoner’s offense of*
 16 *conviction, and the length of the prisoner’s sentence.*

17 (4) *ACCESS TO VA.*—*The Bureau of Prisons shall*
 18 *provide the Department of Veterans Affairs with rea-*
 19 *sonable access to any prisoner who has previously*
 20 *served in the Armed Forces of the United States for*
 21 *purposes of facilitating that prisoner’s reentry.*

22 **SEC. 7. ADDITIONAL TOOLS TO PROMOTE RECOVERY AND**
 23 **PREVENT DRUG AND ALCOHOL ABUSE AND**
 24 **DEPENDENCE. —**

25 (a) *REENTRY AND RECOVERY PLANNING.*—

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

3 (A) *by redesignating subsections (b), (c),*
4 *and (d) as subsections (c), (d), and (e), respec-*
5 *tively;*

6 (B) *by inserting after subsection (a) the fol-*
7 *lowing:*

8 “(b) *REENTRY AND RECOVERY PLANNING*.—

9 “(1) *IN GENERAL*.—*In addition to the informa-*
10 *tion required by rule 32(d) of the Federal Rules of*
11 *Criminal Procedure, the report submitted pursuant to*
12 *subsection (a) shall contain the following information,*
13 *unless such information is required to be excluded*
14 *pursuant to rule 32(d)(3) of the Federal Rules of*
15 *Criminal Procedure or except as provided in para-*
16 *graph (2):*

17 “(A) *Information about the defendant’s his-*
18 *tory of substance abuse and addiction, if appli-*
19 *cable.*

20 “(B) *Information about the defendant’s*
21 *service in the Armed Forces of the United States*
22 *and veteran status, if applicable.*

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

1 *defendant’s needs, that the probation officer de-*
2 *termines will—*

3 “(i) *reduce the likelihood the defendant*
4 *will abuse drugs or alcohol if the defendant*
5 *has a history of substance abuse;*

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

9 “(iii) *assist the defendant in preparing*
10 *for reentry into the community.*

11 “(2) *EXCEPTIONS.—The information described*
12 *in paragraph (1)(C)(iii) shall not be required to be*
13 *included under paragraph (1), in the discretion of the*
14 *Probation Officer, if the applicable sentencing range*
15 *under the sentencing guidelines, as determined by the*
16 *probation officer, includes a sentence of life imprison-*
17 *ment or a sentence of probation.”;*

18 *(C) in subsection (c), as redesignated, in the*
19 *first sentence, by striking “subsection (a) or (c)”*
20 *and inserting “subsection (a) or (d)”;* and

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

24 “(2) *TECHNICAL AND CONFORMING AMEND-*
25 *MENT.—Section 3672 of title 18, United States Code,*

1 *is amended in the eighth undesignated paragraph by*
2 *striking “subsection (b) or (c)” and inserting “sub-*
3 *section (c) or (d)”.*

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

7 *“(C) COMMENCEMENT OF TREATMENT.—Not*
8 *later than 3 years after the date of enactment of*
9 *this subparagraph, the Director of the Bureau of*
10 *Prisons shall ensure that each eligible prisoner*
11 *has an opportunity to commence participation*
12 *in treatment under this subsection by such date*
13 *as is necessary to ensure that the prisoner com-*
14 *pletes such treatment not later than 1 year before*
15 *the date on which the prisoner would otherwise*
16 *be released from custody prior to the application*
17 *of any reduction in sentence pursuant to this*
18 *paragraph.*

19 *“(D) OTHER CREDITS.—The Director of the*
20 *Bureau of Prisons may, in the Director’s discre-*
21 *tion, reduce the credit awarded under subsection*
22 *(h)(6)(A) to a prisoner who receives a reduction*
23 *under subparagraph (B), but such reduction*
24 *may not exceed one-half the amount of the reduc-*

1 *tion awarded to the prisoner under subpara-*
2 *graph (B).”.*

3 *(c) SUPERVISED RELEASE PILOT PROGRAM TO RE-*
4 *DUCE RECIDIVISM AND IMPROVE RECOVERY FROM ALCO-*
5 *HOL AND DRUG ABUSE.—*

6 *(1) IN GENERAL.—Not later than 2 years after*
7 *the date of enactment of this Act, the Administrative*
8 *Office of the United States Courts shall establish a re-*
9 *cidivism reduction and recovery enhancement pilot*
10 *program, premised on high-intensity supervision and*
11 *the use of swift, predictable, and graduated sanctions*
12 *for noncompliance with program rules, in Federal ju-*
13 *dicial districts selected by the Administrative Office of*
14 *the United States Courts in consultation with the At-*
15 *torney General.*

16 *(2) REQUIREMENTS OF PROGRAM.—Participa-*
17 *tion in the pilot program required under paragraph*
18 *(1) shall be subject to the following requirements:*

19 *(A) Upon entry into the pilot program, the*
20 *court shall notify program participants of the*
21 *rules of the program and consequences for vio-*
22 *lating such rules, including the penalties to be*
23 *imposed as a result of such violations pursuant*
24 *to paragraph (E).*

1 (B) Probation officers shall conduct regular
2 drug testing of all pilot program participants
3 with a history of substance abuse.

4 (C) In the event that a probation officer de-
5 termines that a participant has violated a term
6 of supervised release, the officer shall notify the
7 court within 24 hours of such determination, ab-
8 sent good cause.

9 (D) As soon as is practicable, and in no
10 case more than 1 week after the violation was re-
11 ported by the probation officer, absent good
12 cause, the court shall conduct a hearing on the
13 alleged violation.

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

18 (i) Modification of the terms of such
19 participant's supervised release, which may
20 include imposition of a period of home con-
21 finement.

22 (ii) Referral to appropriate substance
23 abuse treatment.

24 (iii) Revocation of the defendant's su-
25 pervised release and the imposition of a sen-

1 *tence of incarceration that is no longer than*
2 *necessary to punish the participant for such*
3 *violation and deter the participant from*
4 *committing future violations.*

5 *(iv) For participants who habitually*
6 *fail to abide by program rules or pose a*
7 *threat to public safety, termination from the*
8 *program.*

9 (3) *STATUS OF PARTICIPANT IF INCARCER-*
10 *ATED.—*

11 *(A) IN GENERAL.—In the event that a pro-*
12 *gram participant is sentenced to incarceration*
13 *as described in paragraph (2)(E)(iii), the partic-*
14 *ipant shall remain in the program upon release*
15 *from incarceration unless terminated from the*
16 *program in accordance with paragraph*
17 *(2)(E)(iv).*

18 *(B) POLICIES FOR MAINTAINING EMPLOY-*
19 *MENT.—The Bureau of Prisons, in consultation*
20 *with the Chief Probation Officers of the Federal*
21 *judicial districts selected for participation in the*
22 *pilot program required under paragraph (1),*
23 *shall develop policies to enable program partici-*
24 *pants sentenced to terms of incarceration as de-*
25 *scribed in paragraph (2)(E) to, where prac-*

1 *licable, serve the terms of incarceration while*
2 *maintaining employment, including allowing the*
3 *terms of incarceration to be served on weekends.*

4 (4) *ADVISORY SENTENCING POLICIES.—*

5 (A) *IN GENERAL.—The United States Sen-*
6 *tencing Commission, in consultation with the*
7 *Chief Probation Officers, the United States At-*
8 *torneys, Federal Defenders, and Chief Judges of*
9 *the districts selected for participation in the*
10 *pilot program required under paragraph (1),*
11 *shall establish advisory sentencing policies to be*
12 *used by the district courts in imposing sentences*
13 *of incarceration in accordance with paragraph*
14 *(2)(E).*

15 (B) *REQUIREMENT.—The advisory sen-*
16 *tencing policies established under subparagraph*
17 *(A) shall be consistent with the stated goal of the*
18 *pilot program to impose predictable and grad-*
19 *uated sentences that are no longer than necessary*
20 *for violations of program rules.*

21 (5) *DURATION OF PROGRAM.—The pilot program*
22 *required under paragraph (1) shall continue for not*
23 *less than 5 years and may be extended for not more*
24 *than 5 years by the Administrative Office of the*
25 *United States Courts.*

1 (6) *ASSESSMENT OF PROGRAM OUTCOMES AND*
2 *REPORT TO CONGRESS.*—

3 (A) *IN GENERAL.*—*Not later than 6 years*
4 *after the date of enactment of this Act, the Ad-*
5 *ministrative Office of the United States Courts*
6 *shall conduct an evaluation of the pilot program*
7 *and submit to Congress a report on the results*
8 *of the evaluation.*

9 (B) *CONTENTS.*—*The report required under*
10 *subparagraph (A) shall include—*

11 (i) *the rates of substance abuse among*
12 *program participants;*

13 (ii) *the rates of violations of the terms*
14 *of supervised release by program partici-*
15 *pants, and sanctions imposed;*

16 (iii) *information about employment of*
17 *program participants;*

18 (iv) *a comparison of outcomes among*
19 *program participants with outcomes among*
20 *similarly situated individuals under the su-*
21 *per vision of United States Probation and*
22 *Pretrial Services not participating in the*
23 *program; and*

24 (v) *an assessment of the effectiveness of*
25 *each of the relevant features of the program.*

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A BILL

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

MARCH 11, 2014

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