

118TH CONGRESS
1ST SESSION

S. 1248

To expand eligibility for and provide judicial review for the Elderly Home
Detention Pilot Program, and make other technical corrections.

IN THE SENATE OF THE UNITED STATES

APRIL 20, 2023

Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. WHITEHOUSE, Mr. CRAMER,
Mr. BOOKER, Mr. WICKER, Mr. BROWN, and Mr. COONS) introduced the
following bill; which was read twice and referred to the Committee on the
Judiciary

A BILL

To expand eligibility for and provide judicial review for the
Elderly Home Detention Pilot Program, and make other
technical corrections.

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 “Safer Detention Act
5 of 2023”.

6 **SEC. 2. HOME DETENTION FOR CERTAIN ELDERLY NON-**
7 **VIOLENT OFFENDERS.**

8 Section 231(g) of the Second Chance Act of 2007 (34
9 U.S.C. 60541(g)) is amended—

(1) in paragraph (1), by adding at the end the following:

“(D) JUDICIAL REVIEW.—

“(i) IN GENERAL.—Upon motion of a defendant, on or after the date described in clause (ii), a court may reduce an imposed term of imprisonment of the defendant and substitute a term of supervised release with the condition of home detention for the unserved portion of the original term of imprisonment, after considering the factors set forth in section 3553(a) of title 18, United States Code, if the court finds the defendant is an eligible elderly offender or eligible terminally ill offender.

“(ii) DATE DESCRIBED.—The date described in this clause is the earlier of—

“(I) the date on which the defendant fully exhausts all administrative rights to appeal a failure of the Bureau of Prisons to place the defendant on home detention; or

“(II) the expiration of the 30-day period beginning on the date on which the defendant submits to the warden

1 of the facility in which the defendant
 2 is imprisoned a request for placement
 3 of the defendant on home detention,
 4 regardless of the status of the re-
 5 quest.”; and

6 (2) in paragraph (5)—

7 (A) in subparagraph (A)(ii)—

8 (i) by inserting “, including offenses
 9 under the laws of the District of Colum-
 10 bia,” after “offense or offenses”; and

11 (ii) by striking “2/3 of the term of im-
 12 prisonment to which the offender was sen-
 13 tenced” and inserting “1/2 of the term of
 14 imprisonment reduced by any credit to-
 15 ward the service of the offender’s sentence
 16 awarded under section 3624(b) of title 18,
 17 United States Code”; and

18 (B) in subparagraph (D)(i), by inserting “,
 19 including offenses under the laws of the District
 20 of Columbia,” after “offense or offenses”.

21 **SEC. 3. COMPASSIONATE RELEASE TECHNICAL CORREC-**
 22 **TION.**

23 Section 3582 of title 18, United States Code, is
 24 amended—

25 (1) in subsection (c)(1)—

1 (A) in the matter preceding subparagraph
2 (A), by inserting after “case” the following: “,
3 including, notwithstanding any other provision
4 of law, any case involving an offense committed
5 before November 1, 1987”; and

6 (B) in subparagraph (A)—

7 (i) by inserting “, on or after the date
8 described in subsection (d)” after “upon
9 motion of a defendant”; and

10 (ii) by striking “after the defendant
11 has fully exhausted all administrative
12 rights to appeal a failure of the Bureau of
13 Prisons to bring a motion on the defend-
14 ant’s behalf or the lapse of 30 days from
15 the receipt of such a request by the warden
16 of the defendant’s facility, whichever is
17 earlier,”;

18 (2) by redesignating subsections (d) and (e) as
19 subsections (e) and (f), respectively; and

20 (3) by inserting after subsection (c) the fol-
21 lowing:

22 “(d) DATE DESCRIBED.—For purposes of subsection
23 (c)(1)(A), the date described in this subsection is the ear-
24 lier of—

1 “(1) the date on which the defendant fully ex-
2 hausts all administrative rights to appeal a failure of
3 the Bureau of Prisons to bring a motion on the de-
4 fendant’s behalf; or

5 “(2) the expiration of the 30-day period begin-
6 ning on the date on which the defendant submits a
7 request for a reduction in sentence to the warden of
8 the facility in which the defendant is imprisoned, re-
9 gardless of the status of the request.”.

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