

115TH CONGRESS
2D SESSION

S. 2471

To amend title 18, United States Code, to improve the compassionate release process of the Bureau of Prisons, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2018

Mr. SCHATZ (for himself, Mr. LEE, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to improve the compassionate release process of the Bureau of Prisons, 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 “Granting Release And
5 Compassion Effectively Act of 2018” or the “GRACE
6 Act”.

7 **SEC. 2. MODIFICATION OF AN IMPOSED TERM OF IMPRIS-**
8 **ONMENT.**

9 Section 3582 of title 18, United States Code, is
10 amended—

1 (1) in subsection (c)(1)(A), in the matter pre-
 2 ceding clause (i), by inserting after “Prisons,” the
 3 following: “or, upon motion of the defendant after
 4 the defendant has fully exhausted all administrative
 5 rights to appeal a failure of the Bureau of Prisons
 6 to bring a motion on the defendant’s behalf or upon
 7 expiration of the 30-day period beginning on the
 8 date on which the defendant submitted a request for
 9 a sentence reduction under this subsection, which-
 10 ever is earlier,”;

11 (2) by redesignating subsection (d) as sub-
 12 section (e); and

13 (3) by inserting after subsection (c) the fol-
 14 lowing:

15 “(d) NOTIFICATION REQUIREMENTS.—

16 “(1) TERMINAL ILLNESS DEFINED.—In this
 17 subsection, the term ‘terminal illness’ means a dis-
 18 ease or condition with an end-of-life trajectory.

19 “(2) NOTIFICATION.—The Bureau of Prisons
 20 shall—

21 “(A) in the case of a defendant diagnosed
 22 with a terminal illness—

23 “(i) not later than 72 hours after the
 24 diagnosis, notify the defendant’s des-
 25 ignated representatives of the defendant’s

1 condition and inform the defendant's des-
2 ignated representatives that they may pre-
3 pare and submit on the defendant's behalf
4 a request for a sentence reduction pursu-
5 ant to subsection (c)(1)(A);

6 “(ii) not later than 7 days after the
7 date of the diagnosis, provide the defend-
8 ant's partner and family members (includ-
9 ing extended family) with an opportunity
10 to visit the defendant in person;

11 “(iii) upon request from the defendant
12 or a designated representative of the de-
13 fendant, ensure that the Bureau of Prisons
14 employees assist the defendant in the prep-
15 aration, drafting, and submission of a re-
16 quest for a sentence reduction pursuant to
17 subsection (c)(1)(A); and

18 “(iv) not later than 14 days after re-
19 ceipt of a request for a sentence reduction
20 submitted by the defendant or on the de-
21 fendant's behalf by a designated represent-
22 ative of the defendant, process the request;

23 “(B) in the case of a defendant who is
24 physically or mentally unable to submit a re-

1 quest for a sentence reduction pursuant to sub-
2 section (c)(1)(A)—

3 “(i) inform the designated representa-
4 tives of the defendant that they may pre-
5 pare and submit on the defendant’s behalf
6 a request for a sentence reduction pursu-
7 ant to subsection (c)(1)(A);

8 “(ii) accept and process a request for
9 sentence reduction that has been prepared
10 and submitted on the defendant’s behalf by
11 the designated representatives of the de-
12 fendant under clause (i); and

13 “(iii) upon request from the defendant
14 or a designated representative of the de-
15 fendant, ensure that the Bureau of Prisons
16 employees assist the defendant in the prep-
17 aration, drafting, and submission of a re-
18 quest for a sentence reduction pursuant to
19 subsection (c)(1)(A); and

20 “(C) ensure that all the Bureau of Prisons
21 facilities regularly and visibly post, including in
22 prisoner handbooks, staff training materials,
23 medical facilities, and facility law libraries, and
24 make available to prisoners upon demand, no-
25 tice of—

1 “(i) a defendant’s ability to request a
2 sentence reduction pursuant to subsection
3 (c)(1)(A);

4 “(ii) the procedures and timelines for
5 initiating and resolving requests described
6 in clause (i); and

7 “(iii) the right to appeal a denial of a
8 request described in clause (i) after all ad-
9 ministrative rights to appeal within the
10 Bureau of Prisons have been exhausted.

11 “(3) ANNUAL REPORT.—Not later than 1 year
12 after the date of enactment of this subsection, and
13 once every year thereafter, the Director of the Bu-
14 reau of Prisons shall submit to the Committee on
15 the Judiciary of the Senate and the Committee on
16 the Judiciary of the House of Representatives a re-
17 port on requests for sentence reductions pursuant to
18 subsection (c)(1)(A), which shall include a descrip-
19 tion of—

20 “(A) the number of prisoners granted and
21 denied sentence reductions, categorized by the
22 criteria relied on as the grounds for a reduction
23 in sentence;

24 “(B) the number of requests initiated by
25 or on behalf of prisoners, categorized by the cri-

1 teria relied on as the grounds for a reduction
2 in sentence, and the final decision made in each
3 request;

4 “(C) the number of requests which the Bu-
5 reau of Prisons employees assisted prisoners in
6 drafting, preparing, or submitting, categorized
7 by the criteria relied on as the grounds for a re-
8 duction in sentence, and the final decision made
9 in each request;

10 “(D) the number of requests that des-
11 ignated representatives of a defendant sub-
12 mitted on the defendant’s behalf, categorized by
13 the criteria relied on as the grounds for a re-
14 duction in sentence, and the final decision made
15 in each request;

16 “(E) the number of requests approved by
17 the Director of the Bureau of Prisons and the
18 reasons given for each approval, categorized by
19 the criteria relied on as the grounds for a re-
20 duction in sentence;

21 “(F) the number of requests denied by the
22 Director of the Bureau of Prisons and the rea-
23 sons given for each denial, categorized by the
24 criteria relied on as the grounds for a reduction
25 in sentence;

1 “(G) for each request, the time elapsed be-
2 tween the date on which the request was re-
3 ceived by the warden and the date on which the
4 final decision was made, categorized by the cri-
5 teria relied on as the grounds for a reduction
6 in sentence;

7 “(H) for each request, the number of pris-
8 oners who died while their request was pending
9 and, for each, the amount of time elapsed be-
10 tween the date on which the request was re-
11 ceived by the warden and the date of death of
12 the prisoner, categorized by the criteria relied
13 on as the grounds for a reduction in sentence;

14 “(I) the number of the Bureau of Prisons
15 notifications to designated representatives of a
16 defendant of their right to visit the terminally
17 ill defendant as required under paragraph
18 (2)(A)(ii) and, for each, whether a visit oc-
19 curred and how much time elapsed between the
20 date of the notification and the date of the visit;

21 “(J) the number of visits to terminally ill
22 prisoners that were allowed under paragraph
23 (2)(A)(ii), but that were denied by the Bureau
24 of Prisons due to security or other concerns,
25 and the reasons given for each denial; and

1 “(K) the number of motions filed by de-
2 fendants with the court after all administrative
3 rights to appeal a denial of a sentence reduction
4 had been exhausted, the outcome of each mo-
5 tion, and the amount of time elapsed between
6 the date on which the request was first received
7 by the warden and the date on which the de-
8 fendant filed the motion with the court.”.

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