

	Smarter Sentencing Act (S. 502/H.R. 920)	SAFE Justice Act (H.R. 2944)	Sentencing Reform and Corrections Act (S. 2123)	Sentencing Reform Act (H.R. 3713)
<b>SPONSORS</b>	Sens. Durbin, Lee, Reps. Labrador, Scott	Reps. Sensenbrenner, Scott	Sens. Grassley, Cornyn, Lee, Graham, Durbin, Leahy, Booker, Whitehouse	Reps. Goodlatte, Conyers
<b>New Mandatory Minimum Penalties</b>				
<b>Domestic Violence</b>			Creates a new 10-year mandatory minimum for domestic violence resulting in death	
<b>Terrorism Offenses</b>			Creates a new 5-year mandatory minimum for acts relating to the provision of controlled goods or services to terrorists or proliferations of weapons of mass destruction	
<b>Drug Offenses</b>			Adds mandatory consecutive sentence of up to 5 years for crimes involving fentanyl	Adds mandatory consecutive sentence of up to 5 years for crimes involving fentanyl
<b>Repeat Drug Offenders</b>			Applies 25-year and 15-year mandatory minimums to second and third time drug offenders if they have a prior conviction for a "serious violent felony"	Same as S. 2123
<b>Repeat gun possession offenders</b>			Applies 25-year recidivist mandatory minimum sentence to those who possess guns in the course of a drug trafficking crime (924(c))  RETROACTIVE: Yes, if the person was convicted of possessing a gun during a drug trafficking offense	Applies 15-year recidivist mandatory minimum sentence to those who possess guns in the course of a drug trafficking crime (924(c)) and have a prior State conviction for a crime of violence that had, as an element, the carrying, brandishing, or use of a gun

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<b>Sentencing Policies</b>				
<b>Mandatory minimum penalties for drug trafficking</b>	<p>Reduces 5-year mandatory minimum to 2 years</p> <p>Reduces 10-year mandatory minimum to 5 years</p> <p>RETROACTIVE: No</p>	<p>Restricts 5-and 10-year mandatory minimum sentences to the managers, supervisors, leaders, and organizers of drug trafficking organizations</p> <p>RETROACTIVE: Yes</p>		
<b>Mandatory minimum drug recidivist enhancements</b>	<p>Reduces the mandatory recidivist enhancement for a prior drug offense from 20 years to 10 years</p> <p>Reduces the mandatory recidivist enhancement for two or more prior drug offenses from life to 25 years (Senate bill) or 20 years (House bill)</p> <p>RETROACTIVE: No</p>	<p>More narrowly defines which prior drug offenses can trigger enhanced mandatory minimum penalties by</p> <ul style="list-style-type: none"> <li>o Requiring they be drug trafficking offenses</li> <li>o Requiring that they have occurred in the last 10 years</li> </ul> <p>Reduces the mandatory recidivist enhancement for two or more prior triggering offenses from life to 35 years</p> <p>RETROACTIVE: Yes, eligible for resentencing</p>	<p>More narrowly defines which prior drug offenses can trigger enhanced mandatory minimum penalties by</p> <ul style="list-style-type: none"> <li>o Requiring they be drug trafficking offenses</li> <li>o Requiring that they occurred in the last 15 years</li> </ul> <p>Reduces the mandatory recidivist enhancement for a prior triggering offense from 20 years to 15 years</p> <p>Reduces the mandatory recidivist enhancement for two or more prior triggering offenses from life to 25 years</p> <p>RETROACTIVE: Yes, eligible for resentencing, if never convicted of a "serious violent felony"</p>	<p>More narrowly defines which prior drug offenses can trigger enhanced mandatory minimum penalties by requiring they be drug trafficking offenses</p> <p>Reduces the mandatory recidivist enhancement for a prior triggering offense from 20 years to 15 years</p> <p>Reduces the mandatory recidivist enhancement for two or more prior triggering offenses from life to 25 years</p> <p>RETROACTIVE: Only for those who don't have prior 3-point serious violent felony conviction</p>
<b>Mandatory minimums for weapons offenses</b>		<p>Restricts application of 25-year mandatory minimum for second or subsequent offenses to cases in which the conviction for the prior offense has become final</p> <p>More narrowly defines possession as carrying, brandishing or use of weapon</p> <p>Same as S. 2123</p> <p>RETROACTIVE: Yes, eligible for resentencing</p>	<p>Restricts application of mandatory minimum for second or subsequent offenses of gun possession in the course of a drug trafficking offense (924(c)) to cases in which the prior offense has become final</p>	<p>Increases the statutory maximum punishment for gun possession by a person with a felony record from 10 years to 15 years</p> <p>Reduces the mandatory minimum for gun possession (924(e)) by a person with a felony record from 15 years to 10 years</p> <p>Restricts application of mandatory minimum for second or subsequent offenses of gun possession in the course of a drug trafficking offense (924(c)) to cases in which the prior offense has become final</p> <p>Reduces 25-year mandatory minimum for second or subsequent offense of gun possession in the course of a drug trafficking offense (924(c)) to 15 years</p> <p>RETROACTIVE: Yes, eligible for resentencing unless the person has a prior conviction for a "serious violent felony"</p>

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<b>Broadening the existing safety valve for drug trafficking mandatory minimums</b>	Expands eligibility for the existing safety valve to defendants with up to 3 criminal history points  RETROACTIVE: No	Expands eligibility for the existing safety valve to include gun possession crimes that occurred as part of a drug trafficking offense and to include defendants with up to 3 criminal history points  RETROACTIVE: No	Expands eligibility for the existing safety valve to defendants with up to 4 criminal history points (excluding 1-point prior offenses) and no 3-point or 2-point felony convictions, and also allows court to waive these criminal history requirements in certain cases  RETROACTIVE: No	Same as S. 2123  RETROACTIVE: No
<b>Creates a new safety valve for drug trafficking mandatory minimums</b>		Creates a new safety valve for drug trafficking offenders facing 5- and 10- year mandatory minimums allowing the court to make any departure from the mandatory minimum regardless of criminal history when <ul style="list-style-type: none"> <li>o the court finds mental illness, substance abuse, financial, emotional distress, trauma suffered during military service or victim of abuse or domestic violence</li> <li>o the crime did not include violence, threats of violence, result in death or serious bodily injury and was not convicted of a continuing criminal enterprise</li> <li>o the defendant cooperated with the government</li> </ul>	Creates a new safety valve for drug trafficking offenders facing 10- year mandatory minimum sentences allowing the court to depart down to a 5- year mandatory minimum prison term if the defendant <ul style="list-style-type: none"> <li>o has no prior conviction for a "serious drug felony" or a "serious violent felony"; and</li> <li>o did not play a leadership role in the offense; and</li> <li>o did not act as an importer or exporter, high-level distributor or supplier, wholesaler, or manufacturer, unless the person was a minor or minimal participant as determined under U.S. Sentencing Guidelines; and</li> <li>o did not sell drugs to or with a person under age 18</li> <li>o pleads guilty, did not possess or use a gun, and no serious bodily injury or death to others resulted</li> </ul> RETROACTIVE: NO	Same as S. 2123

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<b>Fair Sentencing Act</b>	Applies FSA retroactively; allows previously sentenced offenders to petition for resentencing under new drug trafficking laws, unless they filed a petition that was previously granted or denied  RETROACTIVE: Yes	Applies FSA retroactively; allows previously sentenced offenders to petition for resentencing under new drug trafficking laws  RETROACTIVE: Yes	Applies FSA retroactively; allows previously sentenced offenders to petition for resentencing under new drug trafficking laws, unless they filed a petition that was previously granted or denied  RETROACTIVE: Yes, unless any previous request for a crack sentence reduction was granted or denied	Applies FSA retroactively; allows some previously sentenced offenders to petition for resentencing under new drug trafficking laws  RETROACTIVE: Yes, unless they received a prior reduction of their crack drug guideline sentence (not mandatory minimum)
<b>Juvenile life sentences</b>			Allows eligible offenders sentenced as juveniles to life without parole to petition courts for resentencing after serving 20 years of their sentences	
<b>Simple drug possession</b>		Eliminates federal criminal penalties for simple drug possession in state jurisdictions		
<b>Presumptive probation</b>		Directs the Sentencing Commission to expand its use of probation for first-time, nonviolent offenders		
<b>Sentencing Guidelines</b>		Directs the Sentencing Commission to readjust drug sentencing guidelines  Allows courts to disregard conduct for which the defendant was acquitted when imposing sentence under the guidelines		
<b>Determining drug quantity for sentencing purposes</b>		Restores discretion to judges to determine to what extent drug weights from law enforcement "stings" may be considered in court		

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<b>Release Policies</b>				
<b>Good time credit calculation</b>		Clarifies statute to ensure that inmates can earn a full 15% off of their sentences for good behavior (currently BOP only calculates 12.5%)		
<b>Compassionate release</b>		<p>Allows a petition for early release of prisoners who are at least 60 years old and have either a serious health condition or upon the death or incapacitation of the primary caregiver of the inmate's child</p> <p>Eligibility: All offense types eligible except inmates convicted of homicide, terrorism, or sex offenses</p> <p>RETROACTIVE: Yes</p>	<p>Allows a petition for early release of prisoners who are at least 60 years old and have served the greater of 10 years or 2/3 of their sentence or who require a nursing home or are terminally ill</p> <p>Eligibility: Inmates convicted of nonviolent offenses</p> <p>RETROACTIVE: Yes</p>	
<b>Earned time credits for completing programs</b>		<p>Expands earned time to allow nonviolent inmates to earn 10 days of credit off of their sentences for every 30 days for participating in individualized case plans designed to reduce their likelihood of reoffending</p> <p>Allows inmates to be released early to post-prison supervision (not another form of confinement, like a halfway house)</p> <p>Eligibility: nonviolent offenders (exclusions: prisoners with a conviction for a federal sex, terrorism, or homicide offense)</p> <p>RETROACTIVE: No</p>	<p>Expands earned time to allow some nonviolent, lower risk prisoners to earn 5-10 days of credit off of their prison term for every 30 days for participating in individualized case plans designed to reduce their likelihood of reoffending</p> <p>Allows time earned to be served in "pre-release custody" in a half-way house, in home confinement, or on intensive supervision</p> <p>Eligibility: nonviolent, first-time federal offenders who are assessed as low risk to reoffend are eligible to earn 10 days for every 30 and those assessed as moderate risk to reoffend are eligible to earn 5 days for every 30 (exclusions: prisoners with prior federal convictions, 13+ criminal history points, convictions for federal crimes of violence, child exploitation, sex offenses, continuing criminal enterprise, fraud offenses with a resulting prison sentence of 15+ years, bribery, graft, political corruption, identity theft, honest services fraud, obstruction of justice, racketeering, child abuse)</p> <p>RETROACTIVE: No</p>	

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<b>Community Supervision Policies</b>				
<b>Graduated sanctions</b>		Requires the development of a graduated sanctions grid to be used by courts in determining the appropriate response for technical violations of probation and post-prison supervision		
<b>Revocation caps</b>		Places a 60-day limit on the amount of time an offender can be returned to prison for a technical violation of probation or post-prison supervision and eliminates mandatory revocation to prison for simple drug possession		
<b>Earned credits for supervision</b>		Allows offenders on federal probation or post-prison supervision to earn time day for day credits for complying with the terms of their supervision		
<b>Specialty courts</b>		Encourages judicial districts to open drug, veteran, and mental health and other problem solving courts		
<b>Pilot programs</b>		Establishes a performance incentive funding pilot program to reward judicial districts for reducing their revocations to prison	Establishes a reentry demonstration project to pilot promising reentry programs in judicial districts	
<b>Performance-based contracts</b>		Requires contracts for half-way houses to include performance deliverables related to recidivism reduction		
<b>Additional Policies</b>				
<b>Correctional officers tools and training</b>		Creates mental health and de-escalation training programs for prison personnel  Allows correctional officers to carry and use pepper spray but requires training and evaluations of the practice	Allows correctional officers to carry and use pepper spray but requires training and evaluations of the practice	

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<b>Regulatory offenses</b>	Requires compilation and public disclosure of all criminal statutory offenses, all regulatory statutory offenses, all punishments, and all mens rea requirements	Requires compilation and public disclosure of all criminal statutory offenses, all regulatory statutory offenses, all punishments, and all mens rea requirements. Allows victims of regulatory over-criminalization to contact the inspector general.  Requires executive branch agencies to obtain prior approval from the Attorney General for each new criminal penalty resulting from an agency regulation, and approval to be conditioned on a 5-year sunset	Requires compilation and public disclosure of all criminal statutory offenses, all regulatory statutory offenses, all punishments, and all mens rea requirements, including cases referred by investigative agencies of DOJ.	
<b>Pretrial</b>		Requires the Attorney General to create and implement policies to safely reduce pre-trial detention		
<b>Fiscal impact statement</b>		Requires fiscal impact statements for sentencing and corrections bills  Requires sentencing cost analyses to be disclosed in pre-sentencing reports		
<b>Expungement</b>			Creates process for expungement of juvenile records	
<b>Sentencing Commission Representation</b>		Adds a non-voting federal defender representative to the U.S. Sentencing Commission		
<b>Corrections statistics reporting</b>		Requires federal agencies to report on corrections populations and recidivism rates, among other indicators		
<b>Wrongful convictions</b>		Reauthorizes the Innocence Protection Act and directs the Attorney General to develop best practices to reduce wrongful convictions		
<b>Ensuring accuracy of federal criminal records</b>		Directs the Attorney General to establish and enforce procedures to release accurate criminal records for employment-related purposes.		

Source: Analysis by Families Against Mandatory Minimums and the Public Safety Performance Project at The Pew Charitable Trusts