



The Honorable Charles E. Schumer
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
United States Senate
Washington, DC 20510

September 13, 2021

RE: Senate must prioritize a vote on sentencing reforms' unfinished business – S.1014, S.312, S.601

Dear Majority Leader Schumer and Minority Leader McConnell,

I write on behalf of The Sentencing Project to urge the U.S. Senate to take immediate steps to consider and pass sentencing reform legislation that builds upon the important progress enacted in 2018 with passage of the First Step Act. At least three bipartisan sentencing reform proposals, the *First Step Implementation Act* (S.1014), the *COVID-19 Safer Detention Act* (S.312), and the *Prohibiting Punishment of Acquitted Conduct Act* (S.601) await a floor vote after the Judiciary Committee approved them this past spring. Each of these bills, reflecting a wealth of criminological research, would correct extreme and ineffective sentencing policies and offer much needed relief to people currently incarcerated despite demonstrated readiness for release.

While research shows older people generally pose a negligible threat to public safety upon release, this population represents the fastest-growing portion of the federal prison population.¹ Within this context, we applaud the COVID-19 Safer Detention Act's expansion of early release opportunities for elderly or terminally ill individuals, including by extending compassionate release eligibility to people sentenced before November 1987 who are excluded from this type of relief. The bill also adds COVID-19 vulnerability as a basis for compassionate release, an urgent provision needed to safeguard the lives of elderly individuals as the pandemic continues to ravage federal prisons.

In 2018, The Sentencing Project endorsed the First Step Act's reduction of mandatory minimum sentences, but the lack of retroactivity for most of the sentencing provisions in the law has left behind thousands of people in federal prisons who Congress has already agreed are serving excessive terms.² The First Step Implementation Act remedies this inequity by applying

¹ Nellis, A. (2021). *No End in Sight: America's Enduring Reliance on Life Imprisonment*. The Sentencing Project.

² The Sentencing Project (2018). *The Sentencing Project Calls on Congress to Pass First Step Act*.

sentence reduction opportunities to individuals sentenced prior to the First Step Act's passage. The bill also allows courts to review sentences imposed on individuals who have served at least 20 years for crimes they committed as minors. This brings the federal justice system more in line with brain science research that illustrates the diminished criminal culpability of children, as well as a series of Supreme Court opinions that call for meaningful release opportunities for people who committed their crimes as youth.³

Finally, the Prohibiting Punishment of Acquitted Conduct Act would protect our constitutional right to a jury trial by ending judges' ability to sentence a defendant for a crime that a jury found them not guilty of at trial. The bill would create a fairer federal justice system.

We congratulate the Senate Judiciary Committee's Chairman Richard Durbin and Ranking Member Charles Grassley for their collaborative work to advance these urgent bills that have the potential to save lives, reunite families, and build a more proportionate and equitable justice system.

The Sentencing Project urges you to advance this sentencing reform package quickly through the full Senate without amendments.

For questions, please contact Kara Gotsch, The Sentencing Project's Deputy Director, at kgotsch@sentrencingproject.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Fettig".

Amy Fettig
Executive Director

³ The Sentencing Project (2019). *Youth Sentenced to Life Imprisonment*; Rovner, J. (2021). *Juvenile Life Without Parole: An Overview*. The Sentencing Project.