

Criminal Justice Reform



Pending Legislation

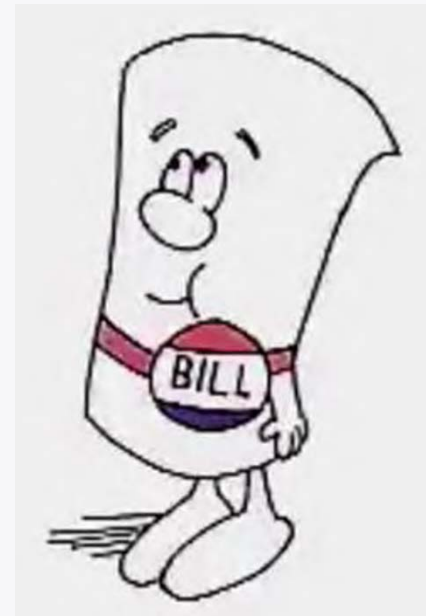
- The Sentencing Reform and Corrections Act of 2015
- The Sentencing Reform Act of 2015
- The Criminal Code Improvement Act

Sentencing Reform Act(s)

S. 2123 & H.R. 3713

Reduce Mandatory Minimums for Second and Third Drug Convictions

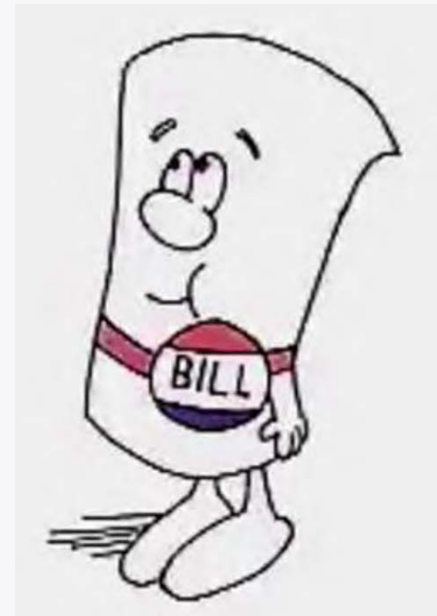
- **3rd drug offense – Life without parole reduced to 25 years**
- **2nd Drug offense – Mandatory minimum drops from 20 to 15**



Sentencing Reform Act(s)

S. 2123 & H.R. 3713

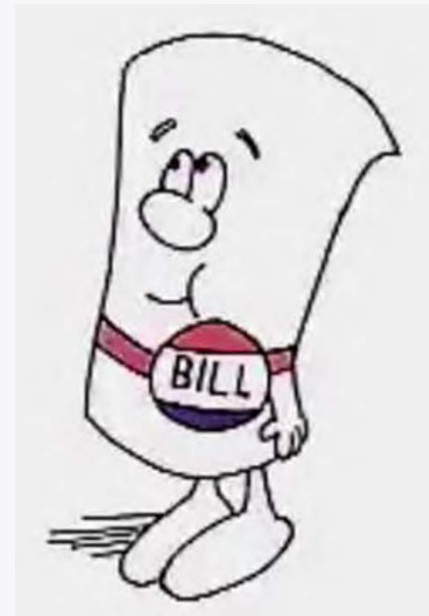
- **Narrow the definition of “serious drug offenses” and “violent felonies”**
- **Make the Fair Sentencing Act (FSA) of 2010 retroactive**



Safety Valve

Eligible if:

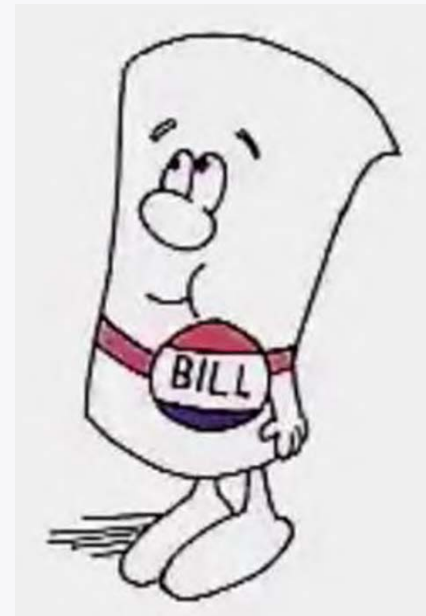
- **4 or fewer criminal history points, AND**
- **No 2-point or 3-point felony conviction, OR**
- **Court determines that criminal history score substantially over-states seriousness of criminal record or likelihood of recidivism**
- **they fulfill all other parts of the safety valve (cooperation, no violence, no gun, no organizer/leader).**



Safety Valve +

10-year man/min reduced to 5 if:

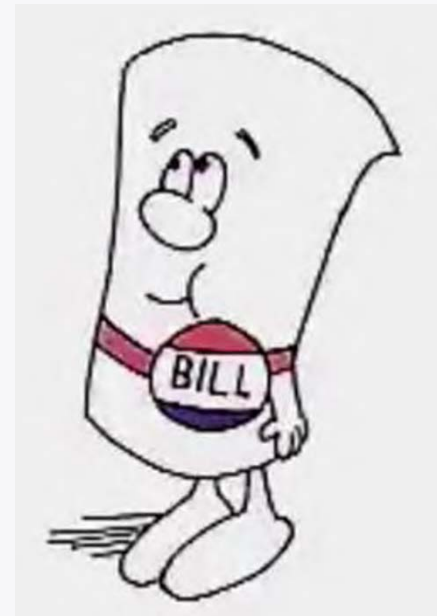
- **No prior “serious drug felony” or “serious violent felony”; and**
- **No leadership role in the offense; and**
- **Did not exercise substantial authority or control over the criminal activity of a criminal organization, act as an importer or exporter, high-level distributor or supplier, wholesaler, or manufacturer; and did not sell drugs to or with a person under age 18.**



Sentencing Reform Act(s)

S. 2123 & H.R. 3713

- **Reduces mandatory minimum sentence for Armed Career Criminals from 15-years to 10 years.**
- **Reduces mandatory minimum for 2nd / subsequent 924(c)'s from 25 to 15**



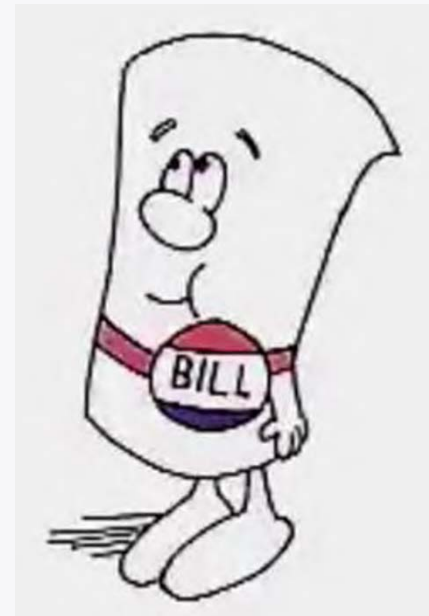
A man with dark hair and a slight smile is looking up at a large, oval-shaped pile of white powder on a wooden table. A thought bubble above him contains the text "Mmmm..... I love Heroin." The background is a warm, orange-brown color.

Mmmm.....
I love Heroin.

Sentencing Reform and Corrections Act

Senate Bill 2123

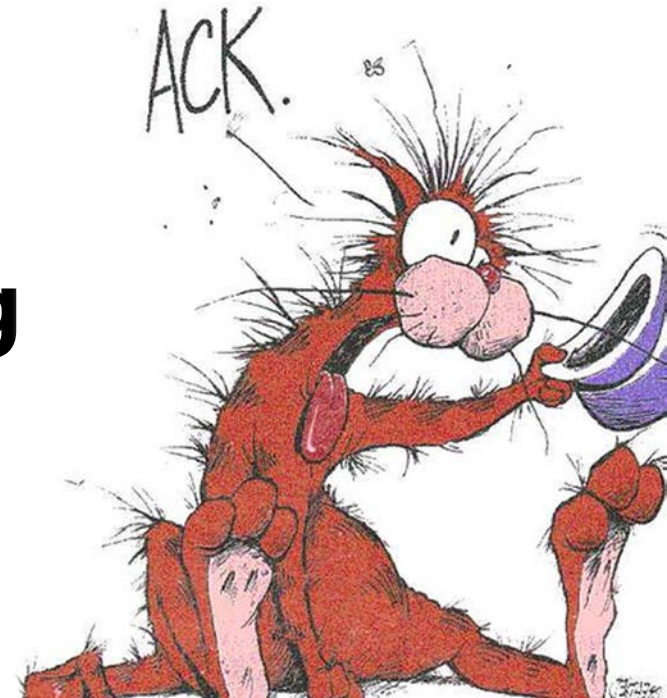
- **Recidivism Reductions Measures**
- **Time credits for completing rehabilitative programs**
- **Calls for an inventory of federal crimes**



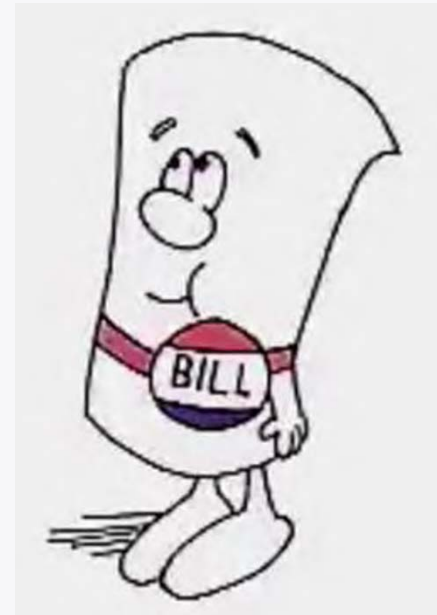
Sentencing Reform and Corrections Act

Senate Bill 2123

- **Increases max on felon in possession from 10 to 15 years**
- **Creates new mandatory minimums (10 yrs for interstate domestic violence resulting in a death & 5 yrs for providing aid to terrorists)**



Criminal Code Improvement Act House Bill 4002

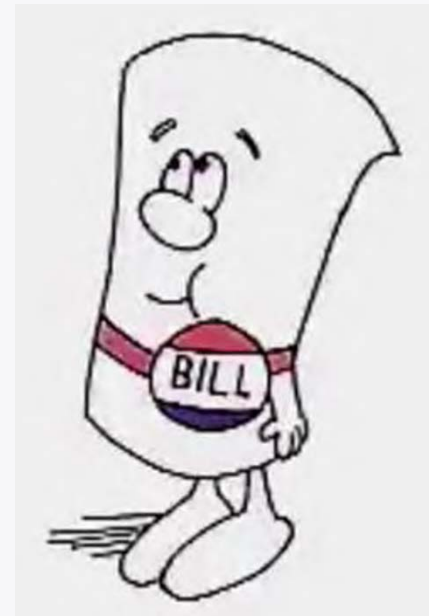


Default Mens Rea = “knowing” state of mind

BUT

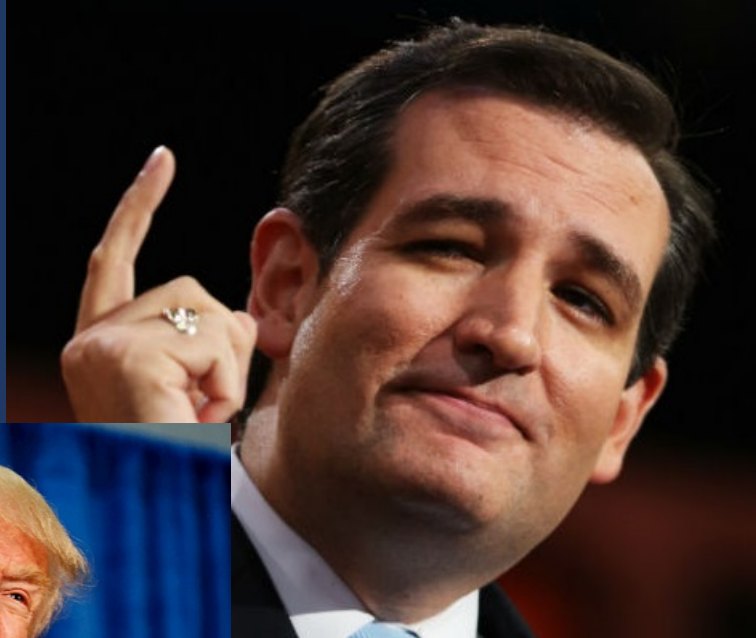
If reasonable person would not know or have reason to believe the conduct was unlawful –

Government must prove defendant knew or had reason to believe the conduct was unlawful.



Criminal Justice Reform



























Criminal Justice Reform

December 4, 2015

