

## SMARTER SENTENCING ACT

**Senate Bill: S. 1410** – passed by U.S. Senate Judiciary Committee on January 30, 2014

**Sponsors:** Senators Mike Lee (R-UT) and Richard Durbin (D-IL)

**Co-sponsors:** Senators Patrick Leahy (D-VT), Sheldon Whitehouse (D-RI), Rand Paul (R-KY), Jeff Flake (R-AZ), Angus King (I-ME), Martin Heinrich (D-NM), Dianne Feinstein (D-CA), Ted Cruz (R-TX)

**House Bill: H.R. 3382** – pending before U.S. House Judiciary Committee

**Sponsors:** Reps. Raul Labrador (R-ID) and Bobby Scott (D-VA)

**Co-sponsors:** Reps. Rodney Davis (R-IL), Spencer Bachus (R-AL), John Conyers (D-MI), Cedric Richmond (D-LA), Steve Cohen (D-TN), Hakeem Jeffries (D-NY), Hank Johnson (D-GA), Ted Deutch (D-FL), Thomas Massie (R-KY), Blake Farenthold (R-TX), Marcia Fudge (D-OH), Janice Schakowsky (D-IL), Beto O'Rourke (D-TX), Dave Camp (R-MI)

On January 30, 2014, the U.S. Senate Judiciary Committee voted, 13-5, in support of S. 1410, the Smarter Sentencing Act. As amended, S. 1410:

- **Reduces mandatory minimum sentences for many federal drug offenders by half** – will save billions of dollars, reduce dangerous overcrowding in federal prisons, and ensure that the U.S. Department of Justice (DOJ) can continue to provide full funding for law enforcement, prosecutors, victims' services, and other public safety-enhancing programs.
- **Very narrowly expands the scope of an existing "safety valve" exception to federal drug mandatory minimum sentences** – limitations on the expansion ensure that the safety valve does not apply to those with convictions for violent, terrorism, or sex offenses.
- **Makes the Fair Sentencing Act of 2010 retroactive** – allows 8,800 federal prisoners imprisoned for crack cocaine crimes to return to court to seek fairer punishments in line with the Fair Sentencing Act, a unanimously-passed measure to reduce the racially discriminatory disparity between crack and powder cocaine sentences.
- **Over-criminalization** – requires the DOJ and other federal agencies to compile, and make publicly available on their websites, lists of all federal laws and regulations, their criminal penalties, and the "mens rea" (intent) required to violate the law. This addresses bipartisan concerns about "over-criminalization," the fear that there are too many federal crimes and that people can and do unknowingly and unintentionally break laws and regulations and serve jail or prison time for violations that could be better addressed with fines.
- **Adds some new mandatory minimum sentences** – Amendments proposed by Senator Chuck Grassley (R-IA) create new five-year minimums for sexual abuse, a 10-year minimum for interstate domestic violence, and five-year minimums for some terrorism offenses. Victims' rights groups oppose the five- and 10-year minimums for sexual abuse and domestic violence. FAMM opposes all the new minimums but supports the rest of the bill.

*For additional information about the legislation, please contact  
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