

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To increase the use and transparency of compassionate release.

**IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.**

**S. 1917**

To reform sentencing laws and correctional institutions, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by \_\_\_\_\_

Viz:

1 In title II, redesignate sections 210, 211, and 212  
2 as sections 211, 212, and 213, respectively.

3 After section 209, insert the following:

4 **SEC. 210. INCREASING THE USE AND TRANSPARENCY OF**  
5 **COMPASSIONATE RELEASE.**

6 Section 3582 of title 18, United States Code, is  
7 amended—

8 (1) in subsection (c)(1)(A), in the matter pre-  
9 ceding clause (i), by inserting after “Prisons” the  
10 following: “or upon motion of the defendant after  
11 the defendant has fully exhausted all administrative

1 rights to appeal a failure of the Bureau of Prisons  
2 to bring a motion on the defendant's behalf or the  
3 lapse of 30 days from the receipt of such a request  
4 by the warden of the defendant's facility, whichever  
5 is earlier”;

6 (2) by redesignating subsection (d) as sub-  
7 section (e); and

8 (3) by inserting after subsection (c) the fol-  
9 lowing:

10 “(d) NOTIFICATION REQUIREMENTS.—

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

14 “(2) NOTIFICATION.—The Bureau of Prisons  
15 shall—

16 “(A) in the case of a defendant diagnosed  
17 with a terminal illness—

18 “(i) not later than 72 hours after the  
19 diagnosis, notify the defendant's attorney,  
20 partner, and family members of the condi-  
21 tion of the defendant and inform the de-  
22 fendant's attorney, partner, and family  
23 members that they may prepare and sub-  
24 mit on the defendant's behalf a request for

1 a sentence reduction pursuant to sub-  
2 section (c)(1)(A);

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

8 “(iii) upon request from the defendant  
9 or his attorney, partner, or a family mem-  
10 ber, ensure that Bureau of Prisons employ-  
11 ees assist the defendant in the preparation,  
12 drafting, and submission of a request for a  
13 sentence reduction pursuant to subsection  
14 (c)(1)(A);

15 “(iv) not later than 14 days after re-  
16 ceipt of a request for a sentence reduction  
17 submitted on the defendant’s behalf by the  
18 defendant or the defendant’s attorney,  
19 partner, or family member, process the re-  
20 quest;

21 “(B) in the case of a defendant who is  
22 physically or mentally unable to submit a re-  
23 quest for a sentence reduction pursuant to sub-  
24 section (c)(1)(A)—

1           “(i) inform the defendant’s attorney,  
2 partner, and family members that they  
3 may prepare and submit on the defend-  
4 ant’s behalf a request for a sentence reduc-  
5 tion pursuant subsection (c)(1)(A);

6           “(ii) accept and process a request for  
7 sentence reduction that has been prepared  
8 and submitted on the defendant’s behalf by  
9 the defendant’s attorney, partner, or fam-  
10 ily member under clause (i); and

11           “(iii) upon request from the defendant  
12 or his attorney, partner, or family member,  
13 ensure that Bureau of Prisons employees  
14 assist the defendant in the preparation,  
15 drafting, and submission of a request for a  
16 sentence reduction pursuant subsection  
17 (c)(1)(A); and

18           “(C) ensure that all Bureau of Prisons fa-  
19 cilities regularly and visibly post, including in  
20 prisoner handbooks, staff training materials,  
21 and facility law libraries and medical and hos-  
22 pice facilities, and make available to prisoners  
23 upon demand, notice 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;

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

9           “(D) the number of requests which attor-  
10          neys, partners, or family members submitted on  
11          a defendant’s behalf, categorized by the criteria  
12          relied on as the grounds for a reduction in sen-  
13          tence, and the final decision made in each re-  
14          quest;

15          “(E) the number of requests approved by  
16          the Director of the Bureau of Prisons, cat-  
17          egorized by the criteria relied on as the grounds  
18          for a reduction in sentence;

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

24          “(G) for each request, the amount of time  
25          that elapsed between the date the request was

1 received by the warden and the final decision,  
2 categorized by the criteria relied on as the  
3 grounds for a reduction in sentence;

4 “(H) for each request, the number of pris-  
5 oners who died while their request was pending  
6 and, for each, the amount of time that elapsed  
7 between the date the request was received by  
8 the Bureau of Prisons, categorized by the cri-  
9 teria relied on as the grounds for a reduction  
10 in sentence;

11 “(I) the number of Bureau of Prisons noti-  
12 fications to attorneys, partners, and family  
13 members of their right to visit a terminally ill  
14 defendant as required under paragraph  
15 (2)(A)(ii) and, for each, whether a visit oc-  
16 curred and the amount of time that elapsed be-  
17 tween the notification and the visit;

18 “(J) the number of visits to terminally ill  
19 prisoners that were denied by the Bureau of  
20 Prisons due to security or other concerns, and  
21 the reasons given for each denial; and

22 “(K) the number of motions filed by de-  
23 fendants with the court after all administrative  
24 rights to appeal a denial of a sentence reduction  
25 had been exhausted, the outcome of each mo-

1           tion, and the time that had elapsed between the  
2           date the request was first received by the Bu-  
3           reau of Prisons and the date the defendant filed  
4           the motion with the court.”.