

Prepared Opening Statement of Senator Chuck Grassley of Iowa
Ranking Member, Senate Judiciary Committee
Executive Business Meeting
Thursday, May 27, 2021

We're marking up three criminal justice bills today, which I'm proud to cosponsor. These bills are bipartisan and seek to solve specific and narrow issues in our criminal justice system. They strike a balance of ensuring public safety while finding a path forward on fairness, all while saving the taxpayer dollar.

This is the lens that I looked through when we passed the *First Step Act*, and it's the lens I see these practical bills through, as well. Appropriate judicial checks, crime victim input and notification, and balancing public safety considerations are all taken into account in these bills.

In our criminal justice system, there are some crimes so heinous and despicable that offenders must stay in prison to protect society and deter future bad actors. There are also instances where unduly harsh penalties don't meet the needs of society or fail to take into account individual considerations. We must neither over nor under criminalize. Striking a balance is critical, and I believe these three bills do that.

The first bill on the agenda, the *COVID-19 Safer Detention Act*, as the title indicates, was borne out of the COVID-19 pandemic. Among other things, it allows for home confinement release for elderly and terminally ill inmates, and clarifies the consideration of COVID as a health danger for purposes of compassionate release. I'm glad to cosponsor this bill with Senators Durbin, Tillis, Whitehouse, Cramer, Coons, Wicker, and Booker.

Next, the *Prohibiting Punishment of Acquitted Conduct Act* solves a simple issue: it ensures that a judge sentences a defendant based on the offenses of which a defendant has been found guilty. Sounds simple enough, but our courts have been following an unfair practice of allowing acquitted conduct to be considered at criminal sentencing. This bill makes our criminal justice system more reliable, predictable, and fair. As noted by Justices Thomas, Ginsburg, and Scalia in a denial of writ on the issue, "this practice has gone on long enough." It's time to end the unjust practice of judges increasing sentences based on conduct where a defendant has been acquitted.

Lastly, the *First Step Implementation Act* is being considered. This bill brings in four provisions from a highly bipartisan bill I introduced in 2015 and again in 2017: the *Sentencing Reform and Corrections Act*. I'm glad that these sections are being considered in committee. These provisions would give judges discretion in determining if a defendant's criminal history warrants a particular sentence, and affords juvenile offenders opportunities to reenter and grow in society, by providing a mechanism for the sealing or expungement of records of nonviolent juvenile offenders.

There are many amendments being considered today. Senator Durbin is offering three managers amendments, which reflect feedback from the Justice Department and members who weighed in about the bills. Some of the amendments offered by members today address important issues in our criminal justice system, and I want to continue the discussion. I want to hear from members

about their suggested improvements. I want to hear from agencies about the effects of these proposals. I want to hear from civil society groups who work on these issues, particularly victims' advocacy groups. I want to hear from the many Iowans who are passionate about criminal justice reform.

However, I'm seeing a lot of these amendments for the first time. It's hard to vote for them today without a chance to look them over, but I hope members will keep in touch with me and my staff about their ideas.

Thank you Chairman Durbin for leading the effort on these bills and working with me on the legislation being marked up today.