



September 29, 2021

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

The Honorable Mitch McConnell
United States Senate
Washington, DC 20510

RE: Sensible, bipartisan sentencing reforms (S.1014, S.312, S.601)

Dear Majority Leader Schumer and Minority Leader McConnell:

NACDL writes to request that you prioritize criminal justice reform measures for Senate consideration and passage. Many bipartisan measures have passed out of the Senate Judiciary Committee and warrant a floor vote, including the COVID-19 Safer Detention Act of 2021 (S. 312), the First Step Implementation Act of 2021 (S. 1014), and the Prohibiting Punishment of Acquitted Conduct Act of 2021 (S. 601).

These three bipartisan measures are narrow in scope but would bring about sensible and much-needed changes to federal sentencing law. While NACDL strongly believes that broader reforms are needed, these bills would address specific flaws that produce unjust and disparate sentences, create needless bureaucratic red tape, and endanger the lives of vulnerable incarcerated persons.

- The COVID-19 Safer Detention Act would streamline the compassionate release and home detention processes, eliminating bureaucratic obstacles that serve no purpose and endanger lives.
- The First Step Implementation Act would help fulfill the purposes of the historic First Step Act to rectify unjust applications of sentencing statutes and create appropriate paths to reentry. It would authorize, but not require, relief from extreme sentences for two strikingly deserving categories of people: nonviolent drug offenders and people who began serving their sentences as juveniles and have since served over 20 years.
- The Prohibiting Punishment of Acquitted Conduct Act would end the unjust practice of sentencing defendants based on conduct they were acquitted of after a jury trial, a practice which undermines the constitutional right to trial and subverts the critical function of jury trials in our legal system.

These three bills address shortcomings in the federal sentencing regime and provide hope for those whose continued incarceration serves no purpose. NACDL also commends for your consideration the EQUAL Act (S. 79), the Kenneth P. Thompson Begin Again Act (S. 2502), and Driving for Opportunity Act (S. 998), all of which enjoy bipartisan support and would significantly strengthen the impact of any package. NACDL is encouraged to see legislators from across the political spectrum finding common ground to ameliorate draconian laws that ignore evolving attitudes towards criminal justice and the human potential for change and have devastated families and communities for too long. We urge you to move these bills to the floor and vote for them.

Sincerely,

A handwritten signature in black ink, reading "Kyle O'Dowd". The signature is written in a cursive style with a large initial 'K' and a distinct 'O'.

Kyle O'Dowd
Interim Executive Director