

113TH CONGRESS  
1ST SESSION

# H. R. 2656

To enhance public safety by improving the effectiveness and efficiency of the Federal prison system with offender risk and needs assessment, individual risk reduction incentives and rewards, and risk and recidivism reduction.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2013

Mr. CHAFFETZ (for himself, Mr. SCOTT of Virginia, Mr. CONYERS, Mr. COBLE, Mr. MARINO, Mr. SCHIFF, and Mr. JEFFRIES) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To enhance public safety by improving the effectiveness and efficiency of the Federal prison system with offender risk and needs assessment, individual risk reduction incentives and rewards, and risk and recidivism reduction.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Public Safety En-  
5       hancement Act of 2013”.

6       **SEC. 2. PURPOSES.**

7       The purposes of the Act are to—

1           (1) enhance public safety by improving the ef-  
2           fectiveness and efficiency of the Federal prison sys-  
3           tem, and to reduce the recidivism rates of Federal  
4           offenders;

5           (2) establish offender risk and needs assess-  
6           ment as the cornerstone of a more effective and effi-  
7           cient Federal prison system;

8           (3) implement a validated post-sentencing risk  
9           and needs assessment system that relies on dynamic  
10          risk factors to provide Federal prison officials with  
11          a roadmap to address the individual criminogenic  
12          needs of Federal offenders, manage limited re-  
13          sources, and enhance public safety;

14          (4) enhance existing recidivism reduction pro-  
15          grams and prison jobs by incentivizing Federal pris-  
16          oners to reduce their individual risk of recidivism by  
17          participating and successfully completing such pro-  
18          grams, and by satisfactorily holding such jobs over  
19          time;

20          (5) reward Federal prisoners who actually re-  
21          duce their individual risk of recidivism by providing  
22          them with the ability to earn and accrue time cred-  
23          its, and to transfer into prerelease custody when  
24          they are assessed as low risk and have earned suffi-  
25          cient time credits;

1           (6) expand the implementation of evidence-  
2           based intervention and treatment programs designed  
3           to reduce recidivism, including educational and voca-  
4           tional training programs, and prison jobs, so all  
5           Federal prisoners have access to them during their  
6           entire terms of incarceration;

7           (7) perform regular outcome evaluations of pro-  
8           grams and interventions to assure that they are evi-  
9           dence-based and to suggest changes, deletions, and  
10          expansions based on the results; and

11          (8) assist the Department of Justice to address  
12          the underlying cost structure of the Federal prison  
13          system and ensure that the Department can con-  
14          tinue to run our prisons safely and securely without  
15          compromising the scope or quality of the Depart-  
16          ment's many other critical law enforcement missions.

17 **SEC. 3. DUTIES OF THE ATTORNEY GENERAL.**

18          (a) IN GENERAL.—The Attorney General shall carry  
19          out this section in consultation with—

20                 (1) the Director of the Bureau of Prisons;

21                 (2) the Director of the Administrative Office of  
22                 the United States Courts;

23                 (3) the Director of the Office of Probation and  
24                 Pretrial Services; and

1           (4) the Director of the National Institute of  
2 Justice.

3           (b) DUTIES.—The Attorney General shall, in accord-  
4 ance with subsection (c)—

5           (1) develop an offender risk and needs assess-  
6 ment system in accordance with section 4;

7           (2) develop recommendations regarding recidi-  
8 vism reduction programs and productive activities in  
9 accordance with section 5;

10          (3) conduct ongoing research and data analysis  
11 on—

12           (A) the best practices relating to the use of  
13 offender risk and needs assessment tools;

14           (B) the best available risk and needs as-  
15 sessment tools and the level to which they rely  
16 on dynamic risk factors that could be addressed  
17 and changed over time, and on measures of risk  
18 of recidivism, individual needs, and responsivity  
19 to recidivism reduction programs;

20           (C) the most effective and efficient uses of  
21 such tools in conjunction with recidivism reduc-  
22 tion programs, productive activities, incentives,  
23 and rewards; and

24           (D) which recidivism reduction programs  
25 are the most effective—

1 (i) for prisoners classified at different  
2 recidivism risk levels; and

3 (ii) for addressing the specific needs  
4 of prisoners;

5 (4) on a biennial basis, review the system devel-  
6 oped under paragraph (1) and the recommendations  
7 developed under paragraph (2), using the research  
8 conducted under paragraph (3), to determine wheth-  
9 er any revisions or updates should be made, and if  
10 so, make such revisions or updates;

11 (5) hold periodic meetings with the individuals  
12 listed in subsection (a) at intervals to be determined  
13 by the Attorney General; and

14 (6) report to Congress in accordance with sec-  
15 tion 6.

16 (c) METHODS.—In carrying out the duties under sub-  
17 section (b), the Attorney General shall—

18 (1) consult relevant stakeholders; and

19 (2) make decisions using data that is based on  
20 the best available statistical and empirical evidence.

21 **SEC. 4. POST-SENTENCING RISK AND NEEDS ASSESSMENT**  
22 **SYSTEM.**

23 (a) IN GENERAL.—Not later than 180 days after the  
24 date of the enactment of this Act, the Attorney General  
25 shall develop and release for use by the Bureau of Prisons

1 an offender risk and needs assessment system, to be  
2 known as the “Post-Sentencing Risk and Needs Assess-  
3 ment System” (referred to in this Act as the “System”),  
4 which shall provide risk and needs assessment tools (devel-  
5 oped under subsection (b)) in order to, for each prisoner—

6           (1) classify the recidivism risk level of prisoners  
7           as low, moderate, or high as part of the intake proc-  
8           ess, and assign the prisoner to appropriate recidi-  
9           vism reduction programs or productive activities  
10          based on that classification, the prisoner’s specific  
11          needs, and in accordance with subsection (c);

12          (2) reassess the recidivism risk level of pris-  
13          oners periodically, and reassign the prisoner to ap-  
14          propriate recidivism reduction programs or produc-  
15          tive activities based on the revised classification, the  
16          specific needs of the prisoner, and the successful  
17          completion of recidivism reduction programs in ac-  
18          cordance with subsection (d); and

19          (3) determine when a prisoner who has been  
20          classified as having a low recidivism risk level is  
21          ready to transfer into prerelease custody in accord-  
22          ance with subsection (d).

23          (b) RISK AND NEEDS ASSESSMENT TOOLS.—

24               (1) IN GENERAL.—The Attorney General shall  
25               develop the risk and needs assessment tools to be

1 used in the System developed under subsection (a)  
2 by using the research and data analysis conducted  
3 under section 3(b)(3) on the best available risk and  
4 needs assessment tools available as of the date of the  
5 enactment of this Act, and determining, using the  
6 methods described in section 3(c), how to make the  
7 most effective and efficient tools to accomplish for  
8 each prisoner, the assessments described in para-  
9 graphs (1) through (3) of subsection (a).

10 (2) USE OF EXISTING RISK AND NEEDS ASSESS-  
11 MENT TOOLS PERMITTED.—In carrying out this sub-  
12 section, the Attorney General may determine that  
13 the best available risk and needs assessment tools  
14 available as of the date of the enactment of this Act  
15 are sufficiently effective and efficient for the purpose  
16 of accomplishing for each prisoner, the assessments  
17 described in paragraphs (1) through (3) of sub-  
18 section (a), and may determine that those are the  
19 tools to be used in the System instead of developing  
20 new tools.

21 (3) VALIDATION ON PRISONERS.—In carrying  
22 out this subsection, the Attorney General shall sta-  
23 tistically validate any tools that the Attorney Gen-  
24 eral selects for use in the System on the Federal

1 prison population, or ensure that the tools have been  
2 so validated.

3 (c) ASSIGNMENT OF RECIDIVISM REDUCTION PRO-  
4 GRAMS.—The System shall provide guidance on the kind  
5 and amount of recidivism reduction programming or pro-  
6 ductive activities that should be assigned for each classi-  
7 fication of prisoner and shall provide—

8 (1) that the higher the risk level of a prisoner,  
9 the more programming the prisoner shall participate  
10 in;

11 (2) information on the best ways that the Bu-  
12 reau of Prisons can tailor the programs to the spe-  
13 cific needs of each prisoner so as to best lower each  
14 prisoner’s risk of recidivating; and

15 (3) that all prisoners, even those classified as  
16 having a low or no risk of recidivating, shall partici-  
17 pate in recidivism reduction programs or productive  
18 activities throughout their entire term of incarcer-  
19 ation.

20 (d) RECIDIVISM REDUCTION PROGRAM AND PRODUC-  
21 TIVE ACTIVITY INCENTIVES AND REWARDS.—The System  
22 shall provide incentives and rewards for prisoners to par-  
23 ticipate in and complete recidivism reduction programs  
24 and productive activities as follows:



1           (1) FAMILY PHONE AND VISITATION PRIVI-  
2 LEGES.—A prisoner who is successfully participating  
3 in a recidivism reduction program or a productive  
4 activity shall receive, for use with family (including  
5 extended family), close friends, mentors, and reli-  
6 gious leaders—

7           (A) up to 30 minutes per day, and up to  
8 900 minutes per month that the prisoner is per-  
9 mitted to use the phone; and

10          (B) additional time for visitation at the  
11 prison, as determined by the warden of the pris-  
12 on.

13          (2) TIME CREDITS.—

14          (A) IN GENERAL.—A prisoner who suc-  
15 cessfully participates in a recidivism reduction  
16 program or productive activity shall receive  
17 time credits as follows:

18           (i) Prisoners who have been classified  
19 as having a low risk of recidivism shall  
20 earn 30 days of time credits for each  
21 month that they successfully participate in  
22 a recidivism reduction program or produc-  
23 tive activity.

24           (ii) Prisoners who have been classified  
25 as having a moderate risk of recidivism

1 shall earn 15 days of time credits for each  
2 month that they successfully participate in  
3 a recidivism reduction program.

4 (iii) Prisoners who have been classi-  
5 fied as having a high risk of recidivism  
6 shall earn 8 days of time credits for each  
7 month that they successfully participate in  
8 a recidivism reduction program.

9 (B) AVAILABILITY.—A prisoner may not  
10 receive time credits under this paragraph for a  
11 recidivism reduction program or productive ac-  
12 tivity that the prisoner successfully participated  
13 in—

14 (i) prior to the date of the enactment  
15 of this Act; or

16 (ii) during official detention prior to  
17 the date that the prisoner's sentence com-  
18 mences under section 3585(a) of title 18,  
19 United States Code.

20 (C) PRERELEASE CUSTODY.—A prisoner  
21 who is classified as having a low risk of recidi-  
22 vism, who has earned time credits in an amount  
23 that is equal to the remainder of the prisoner's  
24 imposed term of imprisonment, and who has  
25 been determined by the warden of the prison to

1 be otherwise qualified for prerelease custody,  
2 shall be eligible to be transferred into prerelease  
3 custody in accordance with section 3624(c)(3)  
4 of title 18, United States Code. The System  
5 shall provide guidelines, for use by the Bureau  
6 of Prisons for prisoners placed in home confine-  
7 ment under section 3624(c)(3) of title 18,  
8 United States Code, for different levels of su-  
9 pervision and consequences based on the pris-  
10 oner's conduct, including a return to prison and  
11 a reassessment of recidivism risk level under  
12 the System as a result of certain behavior.

13 (D) INELIGIBLE PRISONERS.—A prisoner  
14 convicted of an offense under any of the fol-  
15 lowing provisions of law shall be ineligible to re-  
16 ceive time credits:

17 (i) Section 113(a)(1) of title 18,  
18 United States Code, relating to assault  
19 with intent to commit murder.

20 (ii) Section 115 of title 18, United  
21 States Code, relating to influencing, im-  
22 peding, or retaliating against a Federal of-  
23 ficial by injuring a family member, except  
24 for a threat made in violation of that sec-  
25 tion.

1 (iii) Any section of chapter 10 of title  
2 18, United States Code, relating to biologi-  
3 cal weapons.

4 (iv) Any section of chapter 11B of  
5 title 18, United States Code, relating to  
6 chemical weapons.

7 (v) Section 351 of title 18, United  
8 States Code, relating to Congressional,  
9 Cabinet, and Supreme Court assassination,  
10 kidnaping, and assault.

11 (vi) Section 793 of title 18, United  
12 States Code, relating to gathering, trans-  
13 mitting, or losing defense information.

14 (vii) Section 794 of title 18, United  
15 States Code, relating to gathering or deliv-  
16 ering defense information to aid a foreign  
17 government.

18 (viii) Any section of chapter 39,  
19 United States Code, relating to explosives  
20 and other dangerous articles, except for  
21 section 836 (relating to the transportation  
22 of fireworks into a State prohibiting sale  
23 or use).

24 (ix) Section 842(p) of title 18, United  
25 States Code, relating to distribution of in-

1 formation relating to explosive, destructive  
2 devices, and weapons of mass destruction,  
3 but only if the conviction involved a weap-  
4 on of mass destruction (as defined in sec-  
5 tion 2332a(c)(2) of such title).

6 (x) Subsections (f)(3), (i), or (h) of  
7 section 844 of title 18, United States  
8 Code, relating to the use of fire or an ex-  
9 plosive.

10 (xi) Section 924(e) of title 18, United  
11 States Code, relating to unlawful posses-  
12 sion of a firearm by a person with 3 or  
13 more convictions for a violent felony or a  
14 serious drug offense.

15 (xii) Section 1030(a)(1) of title 18,  
16 United States Code, relating to fraud and  
17 related activity in connection with com-  
18 puters.

19 (xiii) Any section of chapter 51 of  
20 title 18, United States Code, relating to  
21 homicide, except for section 1112 (relating  
22 to manslaughter), 1115 (relating to mis-  
23 conduct or neglect of ship officers), or  
24 1122 (relating to protection against the  
25 human immunodeficiency virus).

1 (xiv) Any section of chapter 55 of title  
2 18, United States Code, relating to kid-  
3 napping.

4 (xv) Any offense under chapter 77 of  
5 title 18, United States Code, relating to  
6 peonage, slavery, and trafficking in per-  
7 sons, except for sections 1592 through  
8 1596.

9 (xvi) Section 1751 of title 18, United  
10 States Code, relating to Presidential and  
11 Presidential staff assassination, kidnaping,  
12 and assault.

13 (xvii) Section 1841(a)(2)(C) of title  
14 18, United States Code, relating to inten-  
15 tionally killing or attempting to kill an un-  
16 born child.

17 (xviii) Section 1992 of title 18, United  
18 States Code, relating to terrorist attacks  
19 and other violence against railroad carriers  
20 and against mass transportation systems  
21 on land, on water, or through the air.

22 (xix) Section 2113(e) of title 18,  
23 United States Code, relating to bank rob-  
24 bery resulting in death.

1           (xx) Section 2118(c)(2) of title 18,  
2           United States Code, relating to robberies  
3           and burglaries involving controlled sub-  
4           stances resulting in death.

5           (xxi) Section 2119(3) of title 18,  
6           United States Code, relating to taking a  
7           motor vehicle (commonly referred to as  
8           “carjacking”) that results in death.

9           (xxii) Any section of chapter 105 of  
10          title 18, United States Code, relating to  
11          sabotage, except for section 2152.

12          (xxiii) Any section of chapter 109A of  
13          title 18, United States Code, relating to  
14          sexual abuse, except that with regard to  
15          section 2244 of such title, only a conviction  
16          under subsection (c) of that section (relat-  
17          ing to abusive sexual contact involving  
18          young children) shall make a prisoner in-  
19          eligible under this subparagraph.

20          (xxiv) Section 2251 of title 18, United  
21          States Code, relating to the sexual exploi-  
22          tation of children.

23          (xxv) Section 2251A of title 18,  
24          United States Code, relating to the selling  
25          or buying of children.

1           (xxvi) Any of paragraphs (1) through  
2           (3) of section 2252(a) of title 18, United  
3           States Code, relating to certain activities  
4           relating to material involving the sexual ex-  
5           ploitation of minors.

6           (xxvii) A second or subsequent convic-  
7           tion under any of paragraphs (1) through  
8           (6) of section 2252A(a) of title 18, United  
9           States Code, relating to certain activities  
10          relating to material constituting or con-  
11          taining child pornography.

12          (xxviii) Section 2260 of title 18,  
13          United States Code, relating to the produc-  
14          tion of sexually explicit depictions of a  
15          minor for importation into the United  
16          States.

17          (xxix) Section 2283 of title 18, United  
18          States Code, relating to the transportation  
19          of explosive, biological, chemical, or radio-  
20          active or nuclear materials.

21          (xxx) Section 2284 of title 18, United  
22          States Code, relating to the transportation  
23          of terrorists.



1 (xxxv) Section 2291 of title 18, United  
2 States Code, relating to the destruction of  
3 a vessel or maritime facility.

4 (xxxvi) Any section of chapter 113B of  
5 title 18, United States Code, relating to  
6 terrorism.

7 (xxxvii) Section 2340A of title 18,  
8 United States Code, relating to torture.

9 (xxxviii) Section 2381 of title 18,  
10 United States Code, relating to treason.

11 (xxxix) Section 2442 of title 18,  
12 United States Code, relating to the recruit-  
13 ment or use of child soldiers.

14 (xl) Section 57(b) of the Atomic  
15 Energy Act of 1954 (42 U.S.C. 2077(b)),  
16 relating to the engagement or participation  
17 in the development or production of special  
18 nuclear material.

19 (xli) Section 92 of the Atomic En-  
20 ergy Act of 1954 (42 U.S.C. 2122), relat-  
21 ing to prohibitions governing atomic weap-  
22 ons.

23 (xlii) Section 101 of the Atomic  
24 Energy Act of 1954 (42 U.S.C. 2131), re-

1 relating to the atomic energy license require-  
2 ment.

3 (xxxix) Section 224 or 225 of the  
4 Atomic Energy Act of 1954 (42 U.S.C.  
5 2274, 2275), relating to the communica-  
6 tion or receipt of restricted data.

7 (xl) Section 236 of the Atomic Energy  
8 Act of 1954 (42 U.S.C. 2284), relating to  
9 the sabotage of nuclear facilities or fuel.

10 (xli) Section 60123(b) of title 49,  
11 United States Code, relating to damaging  
12 or destroying a pipeline facility.

13 (xlii) Section 401(a) of the Controlled  
14 Substances Act (21 U.S.C. 841(a)), relat-  
15 ing to manufacturing or distributing a con-  
16 trolled substance, but only in the case of a  
17 conviction for an offense described in sub-  
18 paragraphs (A), (B), or (C) of subsection  
19 (b) of that section for which death or seri-  
20 ous bodily injury resulted from the use of  
21 such substance.

22 (xliii) Section 276(a) of the Immigra-  
23 tion and Nationality Act (8 U.S.C.  
24 1326(b)(1)(2)), relating to the reentry of a  
25 removed alien, but only if the alien is de-

1           scribed in paragraph (1) or (2) of sub-  
2           section (b) of that section.

3           (xliv) Any section of the Export Ad-  
4           ministration Act of 1979 (50 U.S.C. App.  
5           2401 et seq.).

6           (xlv) Section 206 of the International  
7           Emergency Economic Powers Act (50  
8           U.S.C. 1705).

9           (xlvi) Section 601 of the National Se-  
10          curity Act of 1947 (50 U.S.C. 3121), relat-  
11          ing to the protection of identities of certain  
12          United States undercover intelligence offi-  
13          cers, agents, informants, and sources.

14          (xlvii) A third or subsequent convic-  
15          tion of—

16                (I) any crime of violence (as such  
17                term is defined in section 3156(a)(4)  
18                of title 18, United States Code); or

19                (II) any drug trafficking offense.

20           (3) RISK REASSESSMENTS AND LEVEL ADJUST-  
21          MENT.—A prisoner who successfully participates in  
22          recidivism reduction programs or productive activi-  
23          ties shall receive periodic risk reassessments (with  
24          high and moderate risk level prisoners receiving  
25          more frequent risk reassessments), and if the reas-

1        assessment shows that the prisoner’s risk level or spe-  
2        cific needs have changed, the Bureau of Prisons  
3        shall so change the prisoner’s risk level or informa-  
4        tion regarding the prisoner’s specific needs and reas-  
5        sign the prisoner to appropriate recidivism reduction  
6        programs or productive activities based on such  
7        changes.

8            (4) RELATION TO OTHER INCENTIVE PRO-  
9        GRAMS.—The incentives described in this subsection  
10       shall be in addition to any other rewards or incen-  
11       tives for which a prisoner may be eligible.

12       (e) PENALTIES.—The System shall provide guidelines  
13       for the Bureau of Prisons to reduce rewards earned under  
14       subsection (d) for prisoners who violate prison, recidivism  
15       reduction program, or productive activity rules, which  
16       shall provide—

17            (1) general levels of violations and resulting re-  
18       ward reductions;

19            (2) that any reward reduction that includes the  
20       forfeiture of time credits shall be limited to time  
21       credits that a prisoner earned as of the date of the  
22       prisoner’s rule violation, and not to any future cred-  
23       its that the prisoner may earn; and

24            (3) guidelines for the Bureau of Prisons to es-  
25       tablish a procedure to restore time credits that a

1 prisoner forfeited as a result of a rule violation  
2 based on the prisoner's individual progress after the  
3 date of the rule violation.

4 (f) BUREAU OF PRISONS TRAINING.—The Attorney  
5 General shall develop training programs for Bureau of  
6 Prisons officials and employees responsible for admin-  
7 istering the System, which shall include—

8 (1) initial training to educate employees and of-  
9 ficials on how to use the System in an appropriate  
10 and consistent manner, as well as the reasons for  
11 using the System;

12 (2) continuing education; and

13 (3) periodic training updates.

14 (g) QUALITY ASSURANCE.—In order to ensure that  
15 the Bureau of Prisons is using the System in an appro-  
16 priate and consistent manner, the Attorney General shall  
17 monitor and assess the use of the System, which shall in-  
18 clude conducting periodic audits of the Bureau of Prisons  
19 regarding the use of the System.

20 **SEC. 5. RECIDIVISM REDUCTION PROGRAM AND PRODUC-**  
21 **TIVE ACTIVITY RECOMMENDATIONS.**

22 The Attorney General shall—

23 (1) review the effectiveness of recidivism reduc-  
24 tion programs and productive activities that exist as

1 of the date of the enactment of this Act in prisons  
2 operated by the Bureau of Prisons;

3 (2) review recidivism reduction programs and  
4 productive activities that exist in State-operated  
5 prisons throughout the United States; and

6 (3) make recommendations to the Bureau of  
7 Prisons regarding—

8 (A) the expansion of programming and ac-  
9 tivity capacity and the replication of effective  
10 programs and activities described in paragraph  
11 (1); and

12 (B) the addition of any new effective pro-  
13 grams and activities that the Attorney General  
14 finds, using the methods described in section  
15 3(c), would help to reduce recidivism.

16 **SEC. 6. REPORT.**

17 Beginning on January 1, 2015, and annually there-  
18 after, the Attorney General shall submit a report to the  
19 Committees on the Judiciary of the Senate and the House  
20 of Representatives and the Subcommittees on Commerce,  
21 Justice, Science, and Related Agencies of the Committees  
22 on Appropriations of the Senate and the House of Rep-  
23 resentatives, a report that contains the following:

1           (1) A summary of the activities and accomplish-  
2           ments of the Attorney General in carrying out this  
3           Act.

4           (2) An assessment of the status and use of the  
5           System by the Bureau of Prisons, including the  
6           number of prisoners classified at each risk level  
7           under the System at each prison.

8           (3) A summary and assessment of the types  
9           and effectiveness of the recidivism reduction pro-  
10          grams and productive activities in prisons operated  
11          by the Bureau of Prisons, including—

12                 (A) evidence about which programs and ac-  
13                 tivities have been shown to reduce recidivism;

14                 (B) the capacity of each program and ac-  
15                 tivity at each prison, including the number of  
16                 prisoners along with the risk level of each pris-  
17                 oner enrolled in each program; and

18                 (C) identification of any gaps or shortages  
19                 in capacity of such programs and activities.

20          (4) An assessment of the Bureau of Prisons’  
21          compliance with section 3621(h) of title 18, United  
22          States Code.

23          (5) An assessment of progress made toward  
24          carrying out the purposes of this Act, including any  
25          savings associated with—

1 (A) the transfer of low risk prisoners into  
2 prerelease custody under this Act and the  
3 amendments made by this Act; and

4 (B) any decrease in recidivism that may be  
5 attributed to the implementation of the System  
6 or the increase in recidivism reduction pro-  
7 grams and productive activities required by this  
8 Act and the amendments made by this Act.

9 **SEC. 7. USE OF SYSTEM AND RECOMMENDATIONS BY BU-**  
10 **REAU OF PRISONS.**

11 (a) IMPLEMENTATION OF SYSTEM GENERALLY.—  
12 Section 3621 of title 18, United States Code, is amended  
13 by adding at the end the following:

14 “(h) POST-SENTENCING RISK AND NEEDS ASSESS-  
15 MENT SYSTEM.—

16 “(1) IN GENERAL.—Not later than 180 days  
17 after the Attorney General completes and releases  
18 the Post-Sentencing Risk and Needs Assessment  
19 System (referred to in this subsection as the ‘Sys-  
20 tem’) developed under the Public Safety Enhance-  
21 ment Act of 2013, the Bureau of Prisons shall—

22 “(A) implement the System and complete a  
23 risk and needs assessment for each prisoner, re-  
24 gardless of a prisoner’s length of imposed term  
25 of imprisonment; and



1           “(B) expand the effective recidivism reduc-  
2           tion programs (as such term is defined under  
3           section 8 of the Public Safety Enhancement Act  
4           of 2013) and productive activities it offers and  
5           add any new recidivism reduction programs and  
6           productive activities necessary to effectively im-  
7           plement the System, and in accordance with the  
8           recommendations made by the Attorney General  
9           under section 5 of that Act and with paragraph  
10          (2).

11          “(2) PHASE-IN.—In order to carry out para-  
12          graph (1), so that every prisoner has the opportunity  
13          to participate in and complete the kind and amount  
14          of recidivism reduction programming or productive  
15          activities in order to effectively implement the Sys-  
16          tem and that the Attorney General recommends, the  
17          Bureau of Prisons shall, subject to the availability of  
18          appropriations, provide such recidivism reduction  
19          programs and productive activities—

20                 “(A) for not less than 20 percent of pris-  
21                 oners by the date that is one year after the date  
22                 on which the Bureau of Prisons completes a  
23                 risk and needs assessment for each prisoner  
24                 under paragraph (1)(A);

1           “(B) for not less than 40 percent of pris-  
2           oners by the date that is 2 years after the date  
3           on which the Bureau of Prisons completes a  
4           risk and needs assessment for each prisoner  
5           under paragraph (1)(A);

6           “(C) for not less than 60 percent of pris-  
7           oners by the date that is 3 years after the date  
8           on which the Bureau of Prisons completes a  
9           risk and needs assessment for each prisoner  
10          under paragraph (1)(A);

11          “(D) for not less than 80 percent of pris-  
12          oners by the date that is 4 years after the date  
13          on which the Bureau of Prisons completes a  
14          risk and needs assessment for each prisoner  
15          under paragraph (1)(A); and

16          “(E) for all prisoners by the date that is  
17          5 years after the date on which the Bureau of  
18          Prisons completes a risk and needs assessment  
19          for each prisoner under paragraph (1)(A) and  
20          thereafter.

21          “(3) PRIORITY DURING PHASE-IN.—During the  
22          phase-in period described in paragraph (2), the pri-  
23          ority for such programs and activities shall be ac-  
24          corded based on, in order, the following:

1           “(A) The recidivism risk level of prisoners  
2           (as determined by the System’s risk and needs  
3           assessment), with low risk prisoners receiving  
4           first priority, moderate risk prisoners receiving  
5           second priority, and high risk prisoners receiv-  
6           ing last priority.

7           “(B) Within each such risk level, a pris-  
8           oner’s proximity to release date.

9           “(4) PRELIMINARY EXPANSION OF RECIDIVISM  
10          REDUCTION PROGRAMS AND AUTHORITY TO USE IN-  
11          CENTIVES.—Beginning on the date of the enactment  
12          of the Public Safety Enhancement Act of 2013, the  
13          Bureau of Prisons may begin to expand any recidi-  
14          vism reduction programs and productive activities  
15          that exist at a prison as of such date, and may offer  
16          to prisoners who successfully participate in such pro-  
17          gramming and activities the incentives and rewards  
18          described in—

19                 “(A) section 4(d)(1) of such Act; and

20                 “(B) section 4(d)(2)(A) of such Act, except  
21                 a prisoner may receive up to 30 days of time  
22                 credits for each recidivism reduction program or  
23                 productive activity in which the prisoner suc-  
24                 cessfully participates, with the amount of time

1 credits to be determined by the warden of the  
2 prison.

3 “(5) RECIDIVISM REDUCTION PARTNERSHIPS.—

4 In order to expand recidivism reduction programs  
5 and productive activities, the Bureau of Prisons  
6 shall develop policies for the warden of each prison  
7 to enter into partnerships with any of the following:

8 “(A) Nonprofit organizations, including  
9 faith-based and community-based organizations  
10 that will deliver a recidivism reduction program  
11 in a prison, on a paid or volunteer basis.

12 “(B) Institutions of higher education (as  
13 defined in section 101 of the Higher Education  
14 Act of 1965 20 U.S.C. 1001) that will deliver  
15 an academic class in a prison, on a paid or vol-  
16 unteer basis.

17 “(C) Private entities that will, on a volun-  
18 teer basis—

19 “(i) deliver vocational training and  
20 certifications in a prison;

21 “(ii) provide equipment to facilitate  
22 vocational training or employment opportu-  
23 nities for prisoners;

24 “(iii) employ prisoners; or

1                   “(iv) assist prisoners in prerelease  
2                   custody or supervised release in finding  
3                   employment.”.

4           (b) PRERELEASE CUSTODY.—

5                   (1) IN GENERAL.—Section 3624(e) of title 18,  
6           United States Code, is amended—

7                           (A) by redesignating paragraphs (3)  
8                           through (6) as paragraphs (4) through (7), ac-  
9                           cordingly;

10                           (B) by inserting after paragraph (2) the  
11                   following:

12                           “(3) PRISONERS WITH A LOW RISK OF  
13                   RECIDIVATING.—In the case of a prisoner that has  
14                   been classified under the Post-Sentencing Risk and  
15                   Needs Assessment System developed under the Pub-  
16                   lic Safety Enhancement Act of 2013 as having a low  
17                   risk of recidivating, has earned time credits in an  
18                   amount that is equal to the remainder of the pris-  
19                   oner’s imposed term of imprisonment, and has been  
20                   classified by the warden of the prison as otherwise  
21                   qualified to be transferred into prerelease custody,  
22                   the following shall apply:

23                           “(A) The warden of the prison shall sub-  
24                           mit a recommendation that the prisoner be  
25                           transferred into prerelease custody to the

1 United States district court in which the pris-  
2 oner was convicted, and a judge for such court  
3 shall, not later than 30 days after the warden  
4 submits such recommendation, approve or deny  
5 the recommendation; however, a judge may only  
6 deny a recommendation to transfer a prisoner  
7 into prerelease custody under this paragraph if  
8 the judge finds by clear and convincing evidence  
9 that the prisoner should not be transferred into  
10 prerelease custody based only on evidence of the  
11 prisoner's actions after the conviction of such  
12 prisoner and not based on evidence from the  
13 underlying conviction, and submits a detailed  
14 written statement regarding such finding to the  
15 warden of the prison recommending that the  
16 prisoner be transferred into prerelease custody.

17 “(B) The failure of a judge to approve or  
18 deny a recommendation to transfer at the end  
19 of the 30 day period described in subparagraph  
20 (A) shall be treated as an approval of such rec-  
21 ommendation.

22 “(C) Upon the approval of a recommenda-  
23 tion under subparagraph (A) or 30 days after  
24 the warden submits a recommendation, which-  
25 ever occurs earlier, the prisoner shall be placed

1 in home confinement, provided that the prisoner  
2 will be able to stay in a residence that the war-  
3 den approves, and the time limits under para-  
4 graphs (1) and (2) shall not apply.

5 “(D) The prisoner shall remain in home  
6 confinement until the prisoner has served not  
7 less than 85 percent of the prisoner’s imposed  
8 term of imprisonment.

9 “(E) The warden shall use the guidelines  
10 developed by the Attorney General under sec-  
11 tion 4(d)(2)(C) of the Public Safety Enhance-  
12 ment Act of 2013 to determine the level of su-  
13 pervision and consequences for certain actions  
14 for a prisoner transferred into prerelease cus-  
15 tody under this paragraph.”.

16 (2) EFFECTIVE DATE.—The amendments made  
17 by this subsection shall take effect beginning on the  
18 date that the Attorney General completes and re-  
19 leases the Post-Sentencing Risk and Needs Assess-  
20 ment System.

21 **SEC. 8. DEFINITIONS.**

22 In this Act the following definitions apply:

23 (1) RISK AND NEEDS ASSESSMENT TOOL.—The  
24 term “risk and needs assessment tool” means an ob-  
25 jective and statistically validated method through

1       which information is collected and evaluated to de-  
2       termine—

3               (A) the level of risk that a prisoner will  
4       recidivate upon release from prison; and

5               (B) the recidivism reduction programs that  
6       will best minimize the risk that the prisoner will  
7       recidivate upon release from prison.

8       (2) RECIDIVISM REDUCTION PROGRAM.—The  
9       term “recidivism reduction program” means either a  
10      group or individual activity that—

11              (A) has been shown by empirical evidence  
12      to reduce recidivism;

13              (B) is designed to help prisoners succeed  
14      in their communities upon release from prison;  
15      and

16              (C) may include—

17                  (i) classes on social learning and life  
18      skills;

19                  (ii) classes on morals or ethics;

20                  (iii) academic classes;

21                  (iv) cognitive behavioral treatment;

22                  (v) mentoring;

23                  (vi) substance abuse treatment;

24                  (vii) vocational training;

25                  (viii) faith-based classes or services; or



1 (ix) a prison job.

2 (3) PRODUCTIVE ACTIVITY.—The term “pro-  
3 ductive activity” means either a group or individual  
4 activity that is designed to allow prisoners classified  
5 as having a low risk of recidivism to remain produc-  
6 tive and thereby maintain a low risk classification,  
7 and may include the delivery of the activities de-  
8 scribed in subparagraph (C) to other prisoners.

9 (4) PRISONER.—The term “prisoner” means a  
10 person who has been sentenced to a term of impris-  
11 onment pursuant to a conviction for a Federal crimi-  
12 nal offense.

13 (5) TIME CREDIT.—The term “time credit”  
14 means the equivalent of one day of a prisoner’s sen-  
15 tence, such that a prisoner shall be eligible for one  
16 day of home confinement for each credit earned.

17 (6) DRUG TRAFFICKING OFFENSE.—The term  
18 “drug trafficking offense” means any crime punish-  
19 able under Federal, State, or local law that prohibits  
20 the manufacture, import, export, distribution, dis-  
21 pensing of, or offer to sell a controlled substance or  
22 counterfeit substance (as such terms are defined in  
23 section 102 of the Controlled Substances Act (21  
24 U.S.C. 802)) or the possession of a controlled sub-

1       stance or counterfeit substance with intent to manu-  
2       facture, import, export, distribute, or dispense.

3       **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

4       (a) IN GENERAL.—There is authorized to be appro-  
5       priated to carry out this Act \$50,000,000 for each of fiscal  
6       years 2015 through 2019. Of the amount appropriated  
7       under this subsection, 80 percent shall be reserved for use  
8       by the Director of the Bureau of Prisons to implement  
9       the System under section 7 and the amendments made  
10      by that section.

11      (b) SENSE OF CONGRESS.—It is the sense of Con-  
12      gress that any savings associated with reducing recidivism  
13      and reducing the prison population that result from this  
14      Act should be reinvested into further expansion of recidi-  
15      vism reduction programs and productive activities by the  
16      Bureau of Prisons.

○