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THE FEDERAL ISSUE CHAPTER OF [WWW.INTERNATIONALCURE.ORG](http://WWW.INTERNATIONALCURE.ORG)

*"A National Effort to Reduce Crime  
Through Federal Criminal Justice Reform"*

07 July 2011

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KENNETH H. LINN, J.D., LL.M  
22 JULY 1939 – 28 MAY 2009

To wit:

## **FedCURE's Proposed Amendments To S.1232, SEC. 4, FEDERAL REENTRY IMPROVEMENTS SECOND CHANCE REAUTHORIZATION ACT OF 2011**

### SEC. 4. FEDERAL REENTRY IMPROVEMENTS.

(a) Responsible Reintegration of Offenders- Section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532) is repealed.

(b) Federal Prisoner Reentry Initiative- Section 231 of the Second Chance Act of 2007 (42 U.S.C. 17541) is amended--

(1) in subsection (g)--

(A) in paragraph (3), by striking 'carried out during fiscal years 2009 and 2010' and inserting 'carried out during fiscal years 2012 through 2016'; and

(B) in paragraph (5)(A)(i), by striking '65 years' and inserting '60 years';

(C) in paragraph (5)(A)(ii), by striking 'greater' and inserting '**lesser**' and by striking 'imprisonment to which the offender was sentenced' and inserting '**sentence imposed, excluding a sentence of 99 years or more**';

(2) by striking subsection (h);

(3) by re-designating subsection (i) as subsection (h); and

(4) in subsection (h), as so re-designated, by striking '2009 and 2010' and inserting '2012 through 2016'.

END.

## **FedCURE Talking Points:**

### **In Support of FedCURE's Proposed Amendment to S.1232, SEC. 4. FEDERAL REENTRY IMPROVEMENTS**

The Federal Bureau of Prisons is operating at 149% over capacity. A 10% reduction in the federal prison population would save taxpayers \$1.2 billion dollars per year. The President's Budget for FY 2012, includes millions of dollars in offsets for a proposed legislative initiative that would allow additional Good Conduct Time for inmates, as well as for general administrative efficiencies.

Less than 0.33 percent (69 federal inmates) of the 210,000+ federal inmate population entered the Elderly and Family Reunification for Certain Nonviolent Offenders Pilot Program, during the two years of the operation of the program pursuant to Sec. 231(g).

During that period and to date there have been no failures; and the program demonstrates that qualifying inmates can be safely released to home confinement with no increased threat to public safety.

Wherefore, a lowering of the threshold requirement in Section Sec. 231(g)(5)(A)(i)-(ii) of Second Chance Act's- Federal prisoner reentry initiative--Elderly and Family Reunification for Certain Nonviolent Offenders Pilot Program would substantially increase the number of inmates who would qualify under the Act, Federal Bureau of Prisons policy and procedures and current case law, resulting in cost saving with no increased threat to public safety.

*Bipartisan Support:* Republican's ([www.RightOnCrime.com](http://www.RightOnCrime.com)) and Democrat's (<http://www.besmartoncrime.org>) and members of Congress agree that the current prison system is way so ineffective and that we have been wrong on crime for the past 28 years. It has been an escalating burden on taxpayers who are footing the bill for more prisons. The penal model enacted by Public Law 98-473 (Sentencing Reform Act of 1984) of "incapacitation" in lieu of "rehabilitation and reentry" has failed miserably. We can and must do better.

Our economic crisis is due in part to the state of our judicial system where so many first time non violent offenders are given draconian sentences and no means to redeem themselves. Once in the prison system, elderly offenders, more often than not require increased medical care, whereas, the bureau is alleviated of the financial burden during home confinement of an offender..

Americans want to see results, not stiffer sentences and run-a-way costs. We can change the way the judicial system enforces punishment and how inmates serve their time in a way that would benefit both the inmate and society. FedCURE's *Sec. 231(g) Amendment* would benefit the following:

- \* *The Sec. 231(g) Amendment* allows the Federal Bureau of Prisons to maintain correctional worker staffing and help relieve overcrowding of prisons.
- \* *The Sec. 231(g) Amendment* is a costs savings measure.
- \* Data evinces that releasing up to 10% of the federal prison population pursuant to existing Federal Bureau of Prisons policy and procedures poses no risk increased to public safety.
- \* *The Sec. 231(g) Amendment* applies to non-violent offenders; and would exclude the most egregious offender such as a 'Madoff', by excluding an offender with a sentence of 99 years or more from any possible release.

- \* Elderly release, under the *Sec. 231(g) Amendment* would not be automatic and all other existing qualifications of Second Chance Act apply.
- \* The average cost to house an over 60 inmate for 12 months is almost \$40,000.00 vs. \$21,000.00, or less, on home confinement. Costs rise significantly for all inmates over age 60 and nearly double or quadruple for inmates with serious medical issues.
- \* Many inmates have family health-care coverage from their spouse and or families. Some have private health insurance they continue to pay for their family while incarcerated.
- \* The BOP has been triple bunking because of lack of bed space, which heightens tensions and makes it more dangerous for both staff and inmates.
- \* The Federal Bureau of Prisons (FBOP) is the largest police force in the United States. The AFGE.org, the FBOP's labor union, is battling on the Hill to add 15,000 correctional officers because of safety concerns due to overcrowding and budget cuts. Both Republicans and Democrats agree that building additional bed space in prisons will not resolve the systemic issues of the prison system. Evidence reveals that we can not build our way out of the situation.

Federal Sentencing data collected, post Sentencing Reform Act of 1984 (over 28 years) provides the gold standard of evidence on what works and what does not; and when is the proper time to release an offender from a sentence while posing no risk to public safety.

Releasing a federal inmate 'who is not less than 60 years of age and has served the lesser of 10 years or 75 percent of the sentence imposed, excluding a sentence on 99 years or more' is both right and smart on crime.

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**FedCURE Call-2-Action: Second Chance Reauthorization Act of 2011 | Contact your Senators**

**Second Chance Reauthorization Act of 2011 (Introduced 6/20/2011)**

Full Text: <http://www.fedcure.org/documents/S.1231SCRA2011.shtml>

Preview sections of S.1231, released to FedCURE on Monday, 13 June 2011, for reauthorization of funding for Second Chance Act, for the next five years, would have adopted the President's FY 2012 Budget proposal, to increase the current federal good time of 47 days to 54 a year. However, that is not in the current bill. Instead, there is a provision to earn credit towards a sentence up to 60 days a year for an inmate who "successfully participates in a program that has been demonstrated to reduce recidivism, is eligible to earn additional credit toward satisfaction of the sentence being served by the prisoner.", but the programming is not defined. Additionally, Section 231(g), Elderly Release provisions, would have broaden the scope of inmates who qualify by reducing the age limit from 65 to 62 and the time served requirement from 75% to 65%. However, S.1231 reduces the age requirement to 60 years of age, but all other requirements under current law remain unchanged (see: FAQ).

FedCURE will be meeting with Sen. Portman's office and Sen. Judiciary Committee members urging that S.1231 be amended to read that: "Eligible elderly offender.-- who is not less than 60 years of age and has served the lesser of 10 years or 75 percent of the sentence imposed, excluding a sentence on 99 years or more."

Although, FedCURE was pushing to lower the age requirement to 45 years and the time served to 50%, it is at least a step in the right direction, while we continue to move forward with the *Barber Amendment* ([www.FedCURE.org](http://www.FedCURE.org)).

Accordingly, we ask you to contact your Senators. It is especially important for you to reach out to all Senators on the Senate Judiciary Committee and to all Republican Senators. Judiciary Committee members are: Grassley (R-IA), Hatch (R-UT), Kyl (R-AZ), Sessions (R-AL), Graham (R-SC), Cornyn (R-TX), Lee (R-UT), Coburn (R-OK), Leahy (D-VT), Kohl (D-WI), Feinstein (D-CA), Schumer (D-NY), Durbin (D-IL), Whitehouse (D-RI), Klobuchar (D-MN), Franken (D-MN), Coons (D-DE), Blumenthal (D-CT). Those underlined are especially important. Please strongly urge them to support FedCURE's amendments to the Second Chance Reauthorization Act, which tweaks important sections of the Second Chance Act so its provisions can be employed in a more meaningfully way.

Please use FedCURE CONTACT CONGRESS page to contact the Senators in these states:  
<http://www.fedcure.org/ContactCongressREP-SEN.shtml>

Many thanks for your support.

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**Mark A. Varca, J.D., Chairman,**  
**FedCURE**

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*Serving Federal Prisoners and Their Families ... Working to Reinstate Parole and to Increase Good Time Allowances*

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