

115TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend title 18, United States Code, to improve the compassionate release process of the Bureau of Prisons, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. SCHATZ (for himself, Mr. LEE, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To amend title 18, United States Code, to improve the compassionate release process of the Bureau of Prisons, and for other purposes.

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 “Granting Release and  
5 Compassion Effectively Act of 2018” or the “GRACE  
6 Act”.

1 **SEC. 2. MODIFICATION OF AN IMPOSED TERM OF IMPRIS-**  
2 **ONMENT.**

3 Section 3582 of title 18, United States Code, is  
4 amended—

5 (1) in subsection (c)(1)(A), in the matter pre-  
6 ceding clause (i), by inserting after “Prisons,” the  
7 following: “or, upon motion of the defendant after  
8 the defendant has fully exhausted all administrative  
9 rights to appeal a failure of the Bureau of Prisons  
10 to bring a motion on the defendant’s behalf or upon  
11 expiration of the 30-day period beginning on the  
12 date on which the defendant submitted a request for  
13 a sentence reduction under this subsection, which-  
14 ever is earlier,”;

15 (2) by redesignating subsection (d) as sub-  
16 section (e); and

17 (3) by inserting after subsection (c) the fol-  
18 lowing:

19 “(d) NOTIFICATION REQUIREMENTS.—

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

23 “(2) NOTIFICATION.—The Bureau of Prisons  
24 shall—

25 “(A) in the case of a defendant diagnosed  
26 with a terminal illness—

1           “(i) not later than 72 hours after the  
2           diagnosis, notify the defendant’s des-  
3           ignated representatives of the defendant’s  
4           condition and inform the defendant’s des-  
5           ignated representatives that they may pre-  
6           pare and submit on the defendant’s behalf  
7           a request for a sentence reduction pursu-  
8           ant subsection (c)(1)(A);

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

14          “(iii) upon request from the defendant  
15          or a designated representative of the de-  
16          fendant, ensure that Bureau of Prisons  
17          employees assist the defendant in the prep-  
18          aration, drafting, and submission of a re-  
19          quest for a sentence reduction pursuant to  
20          subsection (c)(1)(A);

21          “(iv) not later than 14 days after re-  
22          ceipt of a request for a sentence reduction  
23          submitted by the defendant or on the de-  
24          fendant’s behalf by a designated represent-  
25          ative of the defendant, process the request;

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

5           “(i) inform the designated representa-  
6 tives of the defendant that they may pre-  
7 pare and submit on the defendant’s behalf  
8 a request for a sentence reduction pursu-  
9 ant subsection (c)(1)(A);

10           “(ii) accept and process a request for  
11 sentence reduction that has been prepared  
12 and submitted on the defendant’s behalf by  
13 the designated representatives of the de-  
14 fendant under clause (i); and

15           “(iii) upon request from the defendant  
16 or a designated representative of the de-  
17 fendant, ensure that Bureau of Prisons  
18 employees assist the defendant in the prep-  
19 aration, drafting, and submission of a re-  
20 quest for a sentence reduction pursuant  
21 subsection (c)(1)(A); and

22           “(C) ensure that all Bureau of Prisons fa-  
23 cilities regularly and visibly post, including in  
24 prisoner handbooks, staff training materials,  
25 medical facilities, and facility law libraries, and

1           make available to prisoners upon demand, no-  
2           tice of—

3                   “(i) a defendant’s ability to request a  
4                   sentence reduction pursuant to subsection  
5                   (c)(1)(A);

6                   “(ii) the procedures and timelines for  
7                   initiating and resolving requests described  
8                   in clause (i); and

9                   “(iii) the right to appeal a denial of a  
10                  request described in clause (i) after all ad-  
11                  ministrative rights to appeal within the  
12                  Bureau of Prisons have been exhausted.

13                 “(3) ANNUAL REPORT.—Not later than 1 year  
14                 after the date of enactment of this subsection, and  
15                 once every year thereafter, the Director of the Bu-  
16                 reau of Prisons shall submit to the Committee on  
17                 the Judiciary of the Senate and the Committee on  
18                 the Judiciary of the House of Representatives a re-  
19                 port on requests for sentence reductions pursuant to  
20                 subsection (c)(1)(A), which shall include a descrip-  
21                 tion of—

22                   “(A) the number of prisoners granted and  
23                   denied sentence reductions, categorized by the  
24                   criteria relied on as the grounds for a reduction  
25                   in sentence;

1           “(B) the number of requests initiated by  
2 or on behalf of prisoners, categorized by the cri-  
3 teria relied on as the grounds for a reduction  
4 in sentence, and the final decision made in each  
5 request;

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

12           “(D) the number of requests that des-  
13 ignated representatives of a defendant sub-  
14 mitted on the defendant’s behalf, categorized by  
15 the criteria relied on as the grounds for a re-  
16 duction in sentence, and the final decision made  
17 in each request;

18           “(E) the number of requests approved by  
19 the Director of the Bureau of Prisons and the  
20 reasons given for each approval, categorized by  
21 the criteria relied on as the grounds for a re-  
22 duction in sentence;

23           “(F) the number of requests denied by the  
24 Director of the Bureau of Prisons and the rea-  
25 sons given for each denial, categorized by the

1 criteria relied on as the grounds for a reduction  
2 in sentence;

3 “(G) for each request, the time elapsed be-  
4 tween the date on which the request was re-  
5 ceived by the warden and the date on which the  
6 final decision was made, categorized by the cri-  
7 teria relied on as the grounds for a reduction  
8 in sentence;

9 “(H) for each request, the number of pris-  
10 oners who died while their request was pending  
11 and, for each, the amount of time elapsed be-  
12 tween the date on which the request was re-  
13 ceived by the warden and the date of death of  
14 the prisoner, categorized by the criteria relied  
15 on as the grounds for a reduction in sentence;

16 “(I) the number of Bureau of Prisons noti-  
17 fications to designated representatives of a de-  
18 fendant of their right to visit the terminally ill  
19 defendant as required under paragraph  
20 (2)(A)(ii) and, for each, whether a visit oc-  
21 curred and how much time elapsed between the  
22 date of the notification and the date of the visit;

23 “(J) the number of visits to terminally ill  
24 prisoners that were allowed under paragraph  
25 (2)(A)(ii), but that were denied by the Bureau

1 of Prisons due to security or other concerns,  
2 and the reasons given for each denial; and

3 “(K) the number of motions filed by de-  
4 fendants with the court after all administrative  
5 rights to appeal a denial of a sentence reduction  
6 had been exhausted, the outcome of each mo-  
7 tion, and the amount of time elapsed between  
8 the date on which the request was first received  
9 by the warden and the date on which the de-  
10 fendant filed the motion with the court.”.