

114TH CONGRESS
1ST SESSION

H. R. 3713

To reform sentencing laws, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2015

Mr. GOODLATTE (for himself, Mr. CONYERS, Ms. JACKSON LEE, Mr. LABRADOR, Mr. BISHOP of Michigan, Ms. JUDY CHU of California, Mr. CHABOT, Mr. NADLER, Mr. CHAFFETZ, Mr. COHEN, Mr. COLLINS of Georgia, Mr. DEUTCH, Mrs. MIMI WALTERS of California, Ms. DELBENE, Mr. TROTT, Mr. CICILLINE, Mr. ROONEY of Florida, and Mr. PIERLUISI) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reform sentencing laws, 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 “Sentencing Reform Act
5 of 2015”.

1 **SEC. 2. REDUCE AND RESTRICT ENHANCED SENTENCING**
2 **FOR PRIOR DRUG FELONIES.**

3 (a) CONTROLLED SUBSTANCES ACT AMEND-
4 MENTS.—The Controlled Substances Act (21 U.S.C. 801
5 et seq.) is amended—

6 (1) in section 102 (21 U.S.C. 802), by adding
7 at the end the following:

8 “(57) The term ‘serious drug felony’ means an
9 offense described in section 924(e)(2)(A) of title 18,
10 United States Code, for which the offender served a
11 term of imprisonment of more than 12 months.

12 “(58) The term ‘serious violent felony’ means
13 an offense—

14 “(A) described in section 3559(c)(2)(F) of
15 title 18, United States Code, for which the of-
16 fender served a term of imprisonment of more
17 than 12 months; or

18 “(B) that would be a felony violation of
19 section 113 of title 18, United States Code, if
20 the offense were committed in the special mari-
21 time and territorial jurisdiction of the United
22 States, for which the offender served a term of
23 imprisonment of more than 12 months.”;

24 (2) in section 401(b)(1) (21 U.S.C.
25 841(b)(1))—

1 (A) in subparagraph (A), in the flush text
2 following clause (viii)—

3 (i) by striking “If any person commits
4 such a violation after a prior conviction for
5 a felony drug offense has become final,
6 such person shall be sentenced to a term of
7 imprisonment which may not be less than
8 20 years” and inserting the following: “If
9 any person commits such a violation after
10 a prior conviction for a serious drug felony
11 or serious violent felony has become final,
12 such person shall be sentenced to a term of
13 imprisonment of not less than 15 years”;
14 and

15 (ii) by striking “after two or more
16 prior convictions for a felony drug offense
17 have become final, such person shall be
18 sentenced to a mandatory term of life im-
19 prisonment without release” and inserting
20 the following: “after 2 or more prior con-
21 victions for a serious drug felony or serious
22 violent felony have become final, such per-
23 son shall be sentenced to a term of impris-
24 onment of not less than 25 years”; and

1 (B) in subparagraph (B), in the flush text
2 following clause (viii), by striking “If any per-
3 son commits such a violation after a prior con-
4 viction for a felony drug offense has become
5 final” and inserting the following: “If any per-
6 son commits such a violation after a prior con-
7 viction for a serious drug felony or serious vio-
8 lent felony has become final”; and

9 (3) by adding at the end of section 401(b) (21
10 U.S.C. 841(b)) the following:

11 “(8) In the case of a violation of subsection (a),
12 if the mixture or substance containing a detectable
13 amount of heroin also contains a detectable amount
14 of N-phenyl-N-[1-(2-phenylethyl) -4-piperidiny]l
15 propanamide or any analogue of N-phenyl-N-[1-(2-
16 phenylethyl) -4-piperidiny]l propanamide, then a
17 court shall—

18 “(A) not impose a term of probation;

19 “(B) in addition to the term of punishment
20 for the violation of this section, impose a term
21 of imprisonment not to exceed 5 years; and

22 “(C) no term of imprisonment imposed on
23 a person under subparagraph (B) shall run con-
24 currently with any term of imprisonment im-

1 posed on the person under any other provision
2 of law.

3 “(9) In the case of a violation of subsection (a),
4 if the mixture or substance containing a detectable
5 amount of N-phenyl-N-[1-(2-phenylethyl) -4-
6 piperidiny] propanamide or any analogue of N-
7 phenyl-N-[1-(2-phenylethyl) -4-piperidiny]
8 propanamide was represented to be or sold as her-
9 oin, then a court shall—

10 “(A) not impose a term of probation;

11 “(B) in addition to the term of punishment
12 for the violation of this section, impose a term
13 of imprisonment not to exceed 5 years; and

14 “(C) no term of imprisonment imposed on
15 a person under subparagraph (B) shall run con-
16 currently with any term of imprisonment im-
17 posed on the person under any other provision
18 of law.”.

19 (b) CONTROLLED SUBSTANCES IMPORT AND EXPORT
20 ACT AMENDMENTS.—Section 1010(b) of the Controlled
21 Substances Import and Export Act (21 U.S.C. 960(b)) is
22 amended—

23 (1) in paragraph (1), in the flush text following
24 subparagraph (H), by striking “If any person com-
25 mits such a violation after a prior conviction for a

1 felony drug offense has become final, such person
2 shall be sentenced to a term of imprisonment of not
3 less than 20 years” and inserting “If any person
4 commits such a violation after a prior conviction for
5 a serious drug felony or serious violent felony has
6 become final, such person shall be sentenced to a
7 term of imprisonment of not less than 15 years”;

8 (2) in paragraph (2), in the flush text following
9 subparagraph (H), by striking “felony drug offense”
10 and inserting “serious drug felony or serious violent
11 felony”; and

12 (3) by adding at the end the following:

13 “(8) In the case of a violation of subsection (a),
14 if the mixture or substance containing a detectable
15 amount of heroin also contains a detectable amount
16 of N-phenyl-N-[1-(2-phenylethyl) -4-piperidiny]l
17 propanamide or any analogue of N-phenyl-N-[1-(2-
18 phenylethyl) -4-piperidiny]l propanamide, then a
19 court shall—

20 “(A) not impose a term of probation;

21 “(B) in addition to the term of punishment
22 for the violation of this section, impose a term
23 of imprisonment not to exceed 5 years; and

24 “(C) no term of imprisonment imposed on
25 a person under subparagraph (B) shall run con-

1 currently with any term of imprisonment im-
2 posed on the person under any other provision
3 of law.

4 “(9) In the case of a violation of subsection (a),
5 if the mixture or substance containing a detectable
6 amount of N-phenyl-N-[1-(2-phenylethyl) -4-
7 piperidinyl] propanamide or any analogue of N-
8 phenyl-N-[1-(2-phenylethyl) -4-piperidinyl]
9 propanamide was represented to be or sold as her-
10 oin, then a court shall—

11 “(A) not impose a term of probation;

12 “(B) in addition to the term of punishment
13 for the violation of this section, impose a term
14 of imprisonment not to exceed 5 years; and

15 “(C) no term of imprisonment imposed on
16 a person under subparagraph (B) shall run con-
17 currently with any term of imprisonment im-
18 posed on the person under any other provision
19 of law.”.

20 (c) APPLICABILITY TO PENDING AND PAST CASES.—

21 (1) PENDING CASES.—This section, and the
22 amendments made by this section, shall apply to any
23 offense that was committed before the date of enact-
24 ment of this Act, if a sentence for the offense has
25 not been imposed as of such date of enactment.

1 (2) PAST CASES.—

2 (A) GENERAL RULE.—In the case of a de-
3 fendant (other than a defendant with a prior
4 conviction for a qualifying serious violent fel-
5 ony) who, before the date of enactment of this
6 Act, was convicted of an offense for which the
7 penalty is amended by this section and who was
8 sentenced to a term of imprisonment for the of-
9 fense, the sentencing court may, on motion of
10 the defendant or the Director of the Bureau of
11 Prisons, or on its own motion, upon prior notice
12 to the Government, reduce the term of impris-
13 onment for the offense, after considering the
14 factors set forth in section 3553(a) of title 18,
15 United States Code, the nature and seriousness
16 of the danger to any person or the community,
17 and the post-sentencing conduct of the defend-
18 ant, if such a reduction is consistent with this
19 section and the amendments made by this sec-
20 tion.

21 (B) DEFINITION.—In this paragraph the
22 term “qualifying serious violent felony” means
23 an offense that—

1 (i) is a serious violent felony as that
2 term is defined in section 102(58) of the
3 Controlled Substances Act; and

4 (ii) the conviction carries 3 or more
5 criminal history points as determined
6 under the United States Sentencing Guide-
7 lines.

8 **SEC. 3. BROADENING OF EXISTING SAFETY VALVE.**

9 (a) AMENDMENTS.—Section 3553 of title 18, United
10 States Code, is amended—

11 (1) in subsection (f), by striking paragraph (1)
12 and inserting the following:

13 “(1) the defendant does not have—

14 “(A) more than 4 criminal history points
15 as determined under the sentencing guidelines;

16 “(B) a prior 3-point offense, as determined
17 under the sentencing guidelines; and

18 “(C) a prior 2-point drug trafficking or
19 violent offense, as determined under the sen-
20 tencing guidelines;”; and

21 (2) by adding at the end the following:

22 “(g) INADEQUACY OF CRIMINAL HISTORY.—

23 “(1) IN GENERAL.—If subsection (f) does not
24 apply to a defendant because the defendant does not
25 meet the requirements described in subsection (f)(1)

1 (relating to criminal history), the court may, upon
2 prior notice to the Government, waive subsection
3 (f)(1) if the court specifies in writing the specific
4 reasons why reliable information indicates that ex-
5 cluding the defendant pursuant to subsection (f)(1)
6 substantially overrepresents the seriousness of the
7 defendant’s criminal history or the likelihood that
8 the defendant will commit other crimes.

9 “(2) PROHIBITION.—This subsection shall not
10 apply to any defendant who has been convicted of a
11 serious drug felony or a serious violent felony as de-
12 fined in paragraphs (57) and (58), respectively, of
13 section 102 of the Controlled Substances Act (21
14 U.S.C. 802).

15 “(h) DEFINITIONS.—As used in this section—

16 “(1) the term ‘drug trafficking offense’ means
17 an offense that is punishable by imprisonment under
18 any law of the United States, or of a State or for-
19 eign country, that prohibits or restricts the importa-
20 tion, manufacture, or distribution of controlled sub-
21 stances or the possession of controlled substances
22 with intent to distribute; and

23 “(2) the term ‘violent offense’ means a ‘crime
24 of violence’, as defined in section 16, that is punish-
25 able by imprisonment.”.

1 (b) APPLICABILITY.—The amendments made by this
2 section shall apply only to a conviction entered on or after
3 the date of enactment of this Act.

4 **SEC. 4. LIMITATION ON APPLICATION OF THE 10-YEAR**
5 **MANDATORY MINIMUM.**

6 (a) AMENDMENT.—Section 3553 of title 18, United
7 States Code, as amended by section 3, is amended by add-
8 ing at the end the following:

9 “(i) LIMITATION ON APPLICABILITY OF CERTAIN
10 STATUTORY MINIMUMS.—Notwithstanding any other pro-
11 vision of law, in the case of a conviction under section 401
12 or 406 of the Controlled Substances Act (21 U.S.C. 841
13 and 846) or section 1010 or 1013 of the Controlled Sub-
14 stances Import and Export Act (21 U.S.C. 960 and 963)
15 for which the statutory minimum term of imprisonment
16 is 10 years, the court may impose a sentence as if the
17 statutory minimum term of imprisonment was 5 years, if
18 the court finds at sentencing, after the Government has
19 been afforded the opportunity to make a recommendation,
20 that—

21 “(1) the defendant does not have a prior convic-
22 tion for a serious drug felony or serious violent fel-
23 ony as defined in paragraphs (57) and (58), respec-
24 tively, of section 102 of the Controlled Substances

1 Act (21 U.S.C. 802) that was made final prior to
2 the commission of the instant offense;

3 “(2) the defendant did not use violence or cred-
4 ible threats of violence or possess a firearm or other
5 dangerous weapon (or induce another participant to
6 do so) in connection with the offense, and the of-
7 fense did not result in death or serious bodily injury
8 to any person;

9 “(3) the defendant did not play an enhanced
10 role in the offense by acting as an organizer, leader,
11 manager, or supervisor of other participants in the
12 offense, as determined under the sentencing guide-
13 lines, or by exercising substantial authority or con-
14 trol over the criminal activity of a criminal organiza-
15 tion, regardless of whether the defendant was a
16 member of such organization;

17 “(4) the defendant did not act as an importer,
18 exporter, high-level distributor or supplier, whole-
19 saler, or manufacturer of the controlled substances
20 involved in the offense or engage in a continuing
21 criminal enterprise, as defined in section 408 of the
22 Controlled Substances Act (21 U.S.C. 848);

23 “(5) the defendant did not distribute a con-
24 trolled substance to or with a person under 18 years
25 of age; and

1 “(6) not later than the time of the sentencing
2 hearing, the defendant has truthfully provided to the
3 Government all information and evidence the defend-
4 ant has concerning the offense or offenses that were
5 part of the same course of conduct or of a common
6 scheme or plan, but the fact that the defendant has
7 no relevant or useful other information to provide or
8 that the Government is already aware of the infor-
9 mation shall not preclude a determination by the
10 court that the defendant has complied with this re-
11 quirement.

12 “(j) DEFINITIONS.—As used in subsection (i) of this
13 section—

14 “(1) the term ‘importer, exporter, or high-level
15 distributor or supplier’—

16 “(A) means a defendant who imported, ex-
17 ported, or otherwise distributed or supplied
18 large quantities of a controlled substance to
19 other drug distributors; and

20 “(B) does not include a defendant whose
21 role was limited to transporting drugs or money
22 at the direction of others;

23 “(2) the term ‘manufacturer’ means a defend-
24 ant who grew, produced, or manufactured a con-

1 trolled substance and was the principal owner of
2 such controlled substance; and

3 “(3) the term ‘wholesaler’ means a defendant
4 who sold non-retail quantities of a controlled sub-
5 stance to other dealers or distributors.”.

6 (b) APPLICABILITY.—The amendment made by this
7 section shall apply only to a conviction entered on or after
8 the date of enactment of this Act.

9 **SEC. 5. CLARIFICATION OF SECTION 924(c) OF TITLE 18,**
10 **UNITED STATES CODE.**

11 (a) IN GENERAL.—Section 924(c)(1)(C) of title 18,
12 United States Code, is amended—

13 (1) in the matter preceding clause (i), by strik-
14 ing “second or subsequent conviction under this sub-
15 section” and inserting “violation of this subsection
16 that occurs after a prior conviction under this sub-
17 section or under State law for a crime of violence
18 that contains as an element of the offense the car-
19 rying, brandishing, or use of a firearm has become
20 final”; and

21 (2) in clause (i), by striking “not less than 25
22 years” and inserting “not less than 15 years”.

23 (b) APPLICABILITY TO PENDING AND PAST CASES.—

24 (1) PENDING CASES.—This section, and the
25 amendments made by this section, shall apply to any

1 offense that was committed before the date of enact-
2 ment of this Act, if a sentence for the offense has
3 not been imposed as of such date of enactment.

4 (2) CERTAIN PAST CASES.—

5 (A) GENERAL RULE.—Except as provided
6 in subparagraph (B), in the case of a defendant
7 who, before the date of enactment of this Act,
8 was convicted of an offense for which the pen-
9 alty is amended by this section and was sen-
10 tenced to a term of imprisonment for the of-
11 fense, the sentencing court may, on motion of
12 the defendant or the Director of the Bureau of
13 Prisons, or on its own motion, upon prior notice
14 to the Government, reduce the term of impris-
15 onment for the offense, after considering the
16 factors set forth in section 3553(a) of title 18,
17 United States Code, the nature and seriousness
18 of the danger to any person or the community,
19 and the post-sentencing conduct of the defend-
20 ant, if such a reduction is consistent with this
21 section and the amendments made by this sec-
22 tion.

23 (B) EXCEPTION.—Subparagraph (A) does
24 not apply in the case of an offense affected by
25 the amendment made in subsection (a)(2) with

1 regard to a defendant who has a prior convic-
2 tion for a serious violent felony, as defined in
3 section 102(58) of the Controlled Substances
4 Act.

5 **SEC. 6. AMENDMENT TO CERTAIN PENALTIES FOR CER-**
6 **TAIN FIREARM OFFENSES AND ARMED CA-**
7 **REER CRIMINAL PROVISION.**

8 (a) AMENDMENTS.—Section 924 of title 18, United
9 States Code, is amended—

10 (1) in subsection (a)(2), by striking “not more
11 than 10 years” and inserting “not more than 15
12 years”; and

13 (2) in subsection (e)(1), by striking “not less
14 than 15 years” and inserting “not less than 10
15 years”.

16 (b) APPLICABILITY TO PENDING AND PAST CASES.—

17 (1) PENDING CASES.—This section, and the
18 amendments made by this section, shall apply to any
19 offense that was committed before the date of enact-
20 ment of this Act, if a sentence for the offense has
21 not been imposed as of such date of enactment.

22 (2) PAST CASES.—In the case of a defendant
23 (other than a defendant with a prior conviction for
24 a serious violent felony, as defined in section
25 102(58) of the Controlled Substances Act) who, be-

1 fore the date of enactment of this Act, was convicted
2 of an offense for which the penalty is amended by
3 this section and was sentenced to a term of impris-
4 onment for the offense, the sentencing court may, on
5 motion of the defendant or the Director of the Bu-
6 reau of Prisons, or on its own motion, upon prior
7 notice to the Government, reduce the term of impris-
8 onment for the offense, after considering the factors
9 set forth in section 3553(a) of title 18, United
10 States Code, the nature and seriousness of the dan-
11 ger to any person or the community, and the post-
12 sentencing conduct of the defendant, if such a reduc-
13 tion is consistent with this section and the amend-
14 ments made by this section.

15 **SEC. 7. APPLICATION OF FAIR SENTENCING ACT.**

16 (a) **DEFINITION OF COVERED OFFENSE.**—In this
17 section, the term “covered offense” means a violation of
18 a Federal criminal statute, the statutory penalties for
19 which were modified by section 2 or 3 of the Fair Sen-
20 tencing Act of 2010 (Public Law 111–220; 124 Stat.
21 2372), that was committed before August 3, 2010.

22 (b) **DEFENDANTS PREVIOUSLY SENTENCED.**—A
23 court that imposed a sentence for a covered offense, may,
24 on motion of the defendant, the Director of the Bureau
25 of Prisons, the attorney for the Government, or the court,

1 impose a reduced sentence as if sections 2 and 3 of the
2 Fair Sentencing Act of 2010 (Public Law 111–220; 124
3 Stat. 2372) were in effect at the time the covered offense
4 was committed.

5 (c) LIMITATIONS.—No court shall entertain a motion
6 made under this section to reduce a sentence if the sen-
7 tence was imposed or reduced to a sentence greater than
8 the applicable mandatory minimum in accordance with the
9 amendments made by sections 2 and 3 of the Fair Sen-
10 tencing Act of 2010 (Public Law 111–220; 124 Stat.
11 2372), or if a motion made pursuant to section 2 or 3
12 of the Fair Sentencing Act or under this section was de-
13 nied by a court because a reduction in the defendant’s
14 term of imprisonment would pose a danger to any person
15 or the community or was denied by a court because of
16 the defendant’s post-sentencing conduct. Nothing in this
17 section shall require a court to reduce any sentence pursu-
18 ant to this section.

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