

## Memorandum in Support

NYSBA Federal Memorandum #6

January 7, 2016

S. 2123

By: Senator Grassley

### **ISSUE:** Sentencing Reform and Corrections Act

S2123, the Sentencing Reform and Corrections Act (the Act), would reform many aspects of our nation's criminal justice system. The Act is the result of a bi-partisan agreement by leaders of the U.S. Senate, and was approved by the Senate Judiciary Committee on October 19, 2015.

While the bill covers a number of issues on which the Association does not have policy, it includes several provisions that the Association supports. Of interest to the Association, the bill includes provisions to: reduce certain mandatory-minimum sentences, provide judges with greater discretion when determining appropriate sentences, limit the use of solitary confinement of juveniles and allow sealing convictions of juveniles in certain circumstances, and preserve cooperation incentives to aid law enforcement in prosecuting drug kingpins.

The Association's view is that addressing those issues by appropriate reform of the criminal justice system will enhance public trust and confidence in the justice system.

The reliance in the United States on incarceration and mandatory-minimum sentences has resulted in a staggering number of incarcerated over the last 30 years. For example, the United States contributes 5% of the world's population and yet we incarcerate nearly 25% of the world's prisoners. That portion includes one-third of all of the women incarcerated across the globe.

The prison population has increased nearly 800% since 1980, doubling since 1994. Spending on federal prison has increase at an alarming rate during this time. Federal prisons are operating at 131% capacity, with roughly half of all prisoners serving time for nonviolent drug offenses.

The New York State Bar Association **SUPPORTS** this bipartisan bill, to address many of the causes of over-incarceration and other concerns with the corrections system.