Action Urged on JJDPA Reauthorization and Sentencing Reform

There is consensus across the political spectrum that our criminal justice system is out of balance and in need of significant reform. Many states have enacted bipartisan “smart-on-crime” reforms that achieve cost savings and reduce crime. It is time for Congress to do the same.

The federal prison population has increased nearly 800% since 1980 and more than doubled since 1994 with spending up 1700% over that period. Federal prisons are currently operating at 134% of capacity. This is due in significant degree to the proliferation of mandatory minimum sentences. Nearly half of all federal prisoners are serving sentences for nonviolent drug crimes. Over-reliance on prison has imposed a disparate impact on African-American and Latino persons and communities and is fiscally unsustainable. Enactment of strong sentencing reform is key to addressing federal over-incarceration.

Juvenile justice systems across the U.S. are in urgent need of reform. Despite a steady decline in juvenile crime rates and incarceration levels, youth in America - including youth charged with non-criminal misbehavior - are processed in the criminal justice system and imprisoned at much higher rates than in other comparable nations, too often leading to a lifetime of crime. Youth of color are disproportionately over-represented at all levels of the juvenile justice system.

- **Reauthorize and update the Juvenile Justice and Delinquency Prevention Act (JJDPA).**
  Last reauthorized in 2002, the Act supports a state and community-based comprehensive approach to juvenile crime prevention, prioritizing prevention and early intervention. Reauthorizing legislation should require states to end jailing of youth for non-criminal status offenses, implement data-based steps to reduce racial disparities in the juvenile justice system, and strengthen access to counsel.

  - The ABA urges Senators to communicate their support to Senators Grassley (R-IA) and Whitehouse (D-RI), who introduced strong bipartisan JJDPA legislation last year, and urge prompt reintroduction.

  - The ABA urges Representatives to contact House Education Committee Chair Kline (R-MN) and Ranking Member Scott (D-VA) to express their readiness to cosponsor or support a strong JJDPA bill like last Congress’ Grassley/Whitehouse proposal.

- **Enact smart sentencing reforms that reduce reliance on incarceration and keep the public safe.**
  We urge Members to support and cosponsor bipartisan reform legislation, such as:

  - **The Smarter Sentencing Act of 2015,** which would reduce the length of mandatory minimum sentences for nonviolent drug offenders, incrementally expand the “safety valve” that permits judges to sentence below mandatory minimum in qualified cases, and give retroactive effect to the 2010 Fair Sentencing Act. Bills were introduced in both chambers.
    - S. 502 was introduced by Senators Lee (R-UT), Durbin (D-IL), and others;
    - H.R. 920 was introduced by Representatives Labrador (R-ID), Scott (D-VA), and others.

  - The ABA urges Congress to include strong sentencing reforms in any comprehensive criminal justice reform legislation.

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