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News

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By [Gemma Alexander](#)

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Since the beginning of the “War on Drugs” over 20 years ago, the United States’ prison population has increased over 400 percent, making America the [world’s largest jailer](#). Now, after decades of scrambling to appear tough on crime, Congress has produced a bipartisan [proposal](#) to change the mandatory sentencing guidelines that have largely driven this explosive growth. If passed, the proposal could significantly reduce the number of nonviolent offenders serving time.

Mandatory sentencing is one of the few topics on which both sides of the political aisle find common ground: while many liberals maintain that mandatory sentencing laws have resulted in punishments that are out of proportion to the crimes committed, conservatives balk at the roughly \$30,000 **cost per year** per inmate of federal prison.

With nearly **200,000 inmates** in federal prison, incarceration is inarguably a costly endeavor, and both conservative and liberal interests are working toward sentencing reform with the goal of reducing the number of inmates overall.

Progress through compromise

Two years in the making, the Sentencing Reform and Corrections Act of 2015 passed the Senate Judiciary Committee on October 22. While in committee, several amendments were proposed and rejected, including one that would strike the bill's retroactive application to prisoners now serving time. On October 9, the House Judiciary Committee unveiled a sentencing reform bill that is substantially similar to the one moving through the Senate.

The **Senate bill** already reflects compromise on both sides. Those who wanted to reduce mandatory sentences across the board agreed to maintain current minimums for some violent and gun crimes, and to grant discretion to judges in considering criminal history. Others with a more punitive focus nevertheless agreed to compassion clauses relating to the treatment of minors.

Compromises like these have gained the support of both Senate Judiciary Committee Chairman Chuck Grassley (R-Iowa) and House Judiciary Committee Chairman Bob Goodlatte (R-Va.). With that kind of backing, there is a strong chance that the legislation will be enacted.

Impact on the street

Both bills actually increase sentences for certain crimes (including interstate domestic abuse that results in death and providing support to terrorists) and provisions of the legislation may still change, but overall these reforms would reduce populations in federal prison. Retroactive provisions of the legislation, which were challenged in the Senate committee, would only apply to about 6,500 prisoners currently serving time in federal prisons.

The real impact would be seen moving forward. Each year there are 10,000 convictions on federal drug offenses that carry minimum sentences. The sentencing reform bill would not affect either the number of convictions, or the number of offenses that carry minimum sentences, but each of those 10,000 annual convictions would result in shorter jail times.

With a shift in federal policy, it's not far-fetched to imagine that many states will follow suit, greatly expanding the number of offenders who will face shorter sentences for nonviolent crimes. If the cost savings from abbreviated incarcerations is applied to crime prevention, as many who support the bill hope will happen, going "soft" on sentencing could result in a reduction in crime.

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