

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend title 18, United States Code, to prevent unjust and irrational criminal punishments.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 1917

To reform sentencing laws and correctional institutions, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by _____

Viz:

1 At the end of title I, add the following:

2 **SEC. 110. AUTHORITY TO IMPOSE A SENTENCE BELOW A**
3 **STATUTORY MINIMUM.**

4 Section 3553 of title 18, United States Code, as
5 amended by section 103 of this Act, is amended by adding
6 at the end the following:

7 “(k) **AUTHORITY TO IMPOSE A SENTENCE BELOW**
8 **A STATUTORY MINIMUM TO PREVENT AN UNJUST SEN-**
9 **TENCE.—**

10 “(1) **GENERAL RULE.—**Notwithstanding any
11 provision of law other than this subsection, the court
12 may impose a sentence below a statutory minimum

1 if the court finds that it is necessary to do so in
2 order to avoid violating the requirements of sub-
3 section (a).

4 “(2) COURT TO GIVE PARTIES NOTICE.—Before
5 imposing a sentence under paragraph (1), the court
6 shall give the parties reasonable notice of the court’s
7 intent to do so and an opportunity to respond.

8 “(3) STATEMENT IN WRITING OF FACTORS.—
9 The court shall state, in the written statement of
10 reasons, the factors under subsection (a) that re-
11 quire imposition of a sentence below the statutory
12 minimum.

13 “(4) APPEAL RIGHTS NOT LIMITED.—This sub-
14 section does not limit any right to appeal that would
15 otherwise exist in its absence.”.

16 On page 44, lines 23 and 24, strike “sections 102
17 and 103” and insert “section 110”.

18 On page 45, line 2, strike “through (j) as subsection
19 (c) through (k)” and insert “through (k) as subsections
20 (c) through (l)”.