AMENDMENT TO H.R. 5682
OFFERED BY MR. COHEN OF TENNESSEE

Beginning on page 55, strike line 11 and all that follows through page 58, line 14, and insert the following:

(a) Federal Reentry Initiative Reauthorization.—Section 231(g) of the Second Chance Act of 2007 (34 U.S.C. 60541(g)) is amended to read as follows:

"(g) Elderly and Family Reunification for Certain Nonviolent Offenders Program.—

(1) Program Authorized.—The Attorney General shall release eligible elderly offenders and eligible terminally ill offenders from the Bureau of Prisons facility to home detention until the expiration of the prison term to which the offender was sentenced, upon written request from either the Bureau of Prisons or an eligible elderly offender or eligible terminally ill offender.

(2) Return to Incarceration.—The commission of a felony under Federal or State law or a crime of violence (as such term is defined in section 16(a) of title 18, United States Code) by an eligible elderly offender or eligible terminally ill offender shall result in the removal of that offender from
home detention and the return of that offender to
the designated Bureau of Prisons institution in
which that offender was imprisoned immediately be-
fore placement on home detention under paragraph
(1), or to another appropriate Bureau of Prisons in-
stitution, as determined by the Bureau of Prisons.

“(3) IMPLEMENTATION AND EVALUATION.—
The Attorney General shall monitor and evaluate
each eligible elderly offender and each eligible termi-
nally ill offender placed on home detention under
this section, and shall report to Congress concerning
the experience with the program on an annual basis.
The Administrative Office of the United States
Courts and the United States probation offices shall
provide such assistance and carry out such functions
as the Attorney General may request in monitoring,
supervising, providing services to, and evaluating eli-
gible elderly offenders and eligible terminally ill of-
fenders released to home detention under this sec-
tion.

“(4) DEFINITIONS.—In this section:

“(A) ELIGIBLE ELDERLY OFFENDER.—
The term ‘eligible elderly offender’ means an of-
fender in the custody of the Bureau of Pris-
ons—
“(i) who is not less than 60 years of age;

“(ii) who is serving a term of imprisonment that is not life imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16 of title 18), sex offense (as defined in section 20911(5) of this title), offense described in section 2332b(g)(5)(B) of title 18, or offense under chapter 37 of title 18, and has served 2/3 of the term of imprisonment to which the offender was sentenced;

“(iii) who has not been convicted in the past of any Federal or State crime of violence, sex offense, or other offense described in clause (ii);

“(iv) who has not been determined by the Bureau of Prisons, on the basis of information the Bureau uses to make custody classifications, and in the sole discretion of the Bureau, to have a history of violence, or of engaging in conduct constituting a sex offense or other offense described in clause (ii);
“(v) who has not escaped, or attempted to escape, from a Bureau of Prisons institution;

“(vi) with respect to whom the Bureau of Prisons has determined that release to home detention under this section will result in a substantial net reduction of costs to the Federal Government; and

“(vii) who has been determined by the Bureau of Prisons to be at no substantial risk of engaging in criminal conduct or of endangering any person or the public if released to home detention, and beginning on the date that is 2 years after the date on which the Bureau of Prisons has completed the initial intake risk and needs assessment for each prisoner under section 3621(h)(1)(A) of title 18, United States Code, has been determined to have a minimum or low risk of recidivism based on 2 consecutive assessments described in such section 3621.

“(B) HOME DETENTION.—The term ‘home detention’ has the same meaning given the term in the Federal Sentencing Guidelines as of
April 9, 2008, and includes detention in a nursing home or other residential long-term care facility.

"(C) TERM OF IMPRISONMENT.—The term 'term of imprisonment' includes multiple terms of imprisonment ordered to run consecutively or concurrently, which shall be treated as a single, aggregate term of imprisonment for purposes of this section.

"(D) ELIGIBLE TERMINALLY ILL OFFENDER.—The term 'eligible terminally ill offender' means an offender in the custody of the Bureau of Prisons who—

"(i) is serving a term of imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16(a) of title 18, United States Code), sex offense (as defined in section 111(5) of the Sex Offender Registration and Notification Act (34 U.S.C. 20911(5))), offense described in section 2332b(g)(5)(B) of title 18, United States Code, or offense under chapter 37 of title 18, United States Code;
“(ii) satisfies the criteria specified in clauses (iii) through (vii) of subparagraph (A); and
“(iii) has been determined by a medical doctor approved by the Bureau of Prisons to be—
“(I) in need of care at a nursing home, intermediate care facility, or assisted living facility, as those terms are defined in section 232 of the National Housing Act (12 U.S.C. 1715w); or
“(II) diagnosed with a terminal illness.”