

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:

1 (a) FEDERAL REENTRY INITIATIVE REAUTHORIZA-
2 TION.—Section 231(g) of the Second Chance Act of 2007
3 (34 U.S.C. 60541(g)) is amended to read as follows:

4 “(g) ELDERLY AND FAMILY REUNIFICATION FOR
5 CERTAIN NONVIOLENT OFFENDERS PROGRAM.—

6 “(1) PROGRAM AUTHORIZED.—The Attorney
7 General shall release eligible elderly offenders and el-
8 igible terminally ill offenders from the Bureau of
9 Prisons facility to home detention until the expira-
10 tion of the prison term to which the offender was
11 sentenced, upon written request from either the Bu-
12 reau of Prisons or an eligible elderly offender or eli-
13 gible terminally ill offender.

14 “(2) RETURN TO INCARCERATION.—The com-
15 mission of a felony under Federal or State law or a
16 crime of violence (as such term is defined in section
17 16(a) of title 18, United States Code) by an eligible
18 elderly offender or eligible terminally ill offender
19 shall result in the removal of that offender from

1 home detention and the return of that offender to
2 the designated Bureau of Prisons institution in
3 which that offender was imprisoned immediately be-
4 fore placement on home detention under paragraph
5 (1), or to another appropriate Bureau of Prisons in-
6 stitution, as determined by the Bureau of Prisons.

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

21 “(4) DEFINITIONS.—In this section:

22 “(A) ELIGIBLE ELDERLY OFFENDER.—
23 The term ‘eligible elderly offender’ means an of-
24 fender in the custody of the Bureau of Pris-
25 ons—

1 “(i) who is not less than 60 years of
2 age;

3 “(ii) who is serving a term of impris-
4 onment that is not life imprisonment based
5 on conviction for an offense or offenses
6 that do not include any crime of violence
7 (as defined in section 16 of title 18), sex
8 offense (as defined in section 20911(5) of
9 this title), offense described in section
10 2332b(g)(5)(B) of title 18, or offense
11 under chapter 37 of title 18, and has
12 served $\frac{2}{3}$ of the term of imprisonment to
13 which the offender was sentenced;

14 “(iii) who has not been convicted in
15 the past of any Federal or State crime of
16 violence, sex offense, or other offense de-
17 scribed in clause (ii);

18 “(iv) who has not been determined by
19 the Bureau of Prisons, on the basis of in-
20 formation the Bureau uses to make cus-
21 tody classifications, and in the sole discre-
22 tion of the Bureau, to have a history of vi-
23 olence, or of engaging in conduct consti-
24 tuting a sex offense or other offense de-
25 scribed in clause (ii);

1 “(v) who has not escaped, or at-
2 tempted to escape, from a Bureau of Pris-
3 ons institution;

4 “(vi) with respect to whom the Bu-
5 reau of Prisons has determined that re-
6 lease to home detention under this section
7 will result in a substantial net reduction of
8 costs to the Federal Government; and

9 “(vii) who has been determined by the
10 Bureau of Prisons to be at no substantial
11 risk of engaging in criminal conduct or of
12 endangering any person or the public if re-
13 leased to home detention, and beginning on
14 the date that is 2 years after the date on
15 which the Bureau of Prisons has completed
16 the initial intake risk and needs assess-
17 ment for each prisoner under section
18 3621(h)(1)(A) of title 18, United States
19 Code, has been determined to have a min-
20 imum or low risk of recidivism based on 2
21 consecutive assessments described in such
22 section 3621.

23 “(B) HOME DETENTION.—The term ‘home
24 detention’ has the same meaning given the term
25 in the Federal Sentencing Guidelines as of

1 April 9, 2008, and includes detention in a nurs-
2 ing home or other residential long-term care fa-
3 cility.

4 “(C) TERM OF IMPRISONMENT.—The term
5 ‘term of imprisonment’ includes multiple terms
6 of imprisonment ordered to run consecutively or
7 concurrently, which shall be treated as a single,
8 aggregate term of imprisonment for purposes of
9 this section.

10 “(D) ELIGIBLE TERMINALLY ILL OF-
11 FENDER.—The term ‘eligible terminally ill of-
12 fender’ means an offender in the custody of the
13 Bureau of Prisons who—

14 “(i) is serving a term of imprisonment
15 based on conviction for an offense or of-
16 fenses that do not include any crime of vio-
17 lence (as defined in section 16(a) of title
18 18, United States Code), sex offense (as
19 defined in section 111(5) of the Sex Of-
20 fender Registration and Notification Act
21 (34 U.S.C. 20911(5))), offense described
22 in section 2332b(g)(5)(B) of title 18,
23 United States Code, or offense under chap-
24 ter 37 of title 18, United States Code;

1 “(ii) satisfies the criteria specified in
2 clauses (iii) through (vii) of subparagraph
3 (A); and

4 “(iii) has been determined by a med-
5 ical doctor approved by the Bureau of
6 Prisons to be—

7 “(I) in need of care at a nursing
8 home, intermediate care facility, or
9 assisted living facility, as those terms
10 are defined in section 232 of the Na-
11 tional Housing Act (12 U.S.C.
12 1715w); or

13 “(II) diagnosed with a terminal
14 illness.”.

