

Safer Supervision Act

There are approximately 110,000 individuals serving federal supervised release, a form of supervision that follows incarceration. As the Supreme Court has explained, Congress designed the supervision system so that courts would impose supervision “for those, and only those, who needed it.” In practice, however, supervised release is now imposed in virtually every case, leading to a significantly overburdened system in which probation officers report that they are unable to provide supervisees with the close supervision that high-risk individuals need to reintegrate into society. At the same time, the supervision system can have counterproductive effects for low-risk defendants that inhibits their ability to reintegrate and avoid recidivism.

This bill is designed to better allocate resources in a way that best promotes the goals of public safety, rehabilitation, reintegration, and reducing recidivism:

- **Imposing supervision based on the individual facts.** The bill would require courts to conduct an individualized assessment of the appropriateness of supervision and to state its reasons on the record. This would help ensure that supervision is imposed when warranted by the facts rather than being imposed automatically in every case.
- **Creating positive incentives that will encourage rehabilitation and good conduct.** Current law allows individuals to seek early termination of supervision, but provides little guidance to courts on how to make that determination. This bill would create a rebuttable presumption in favor of early termination when the individual has served 50 percent of their term (or 2/3 for violent offenses), has shown good conduct and compliance, and when termination would not jeopardize public safety. This presumption would further ensure that limited supervision resources are being directed to the cases that warrant it, while also creating strong positive incentives to individuals to take the steps needed to rehabilitate and reintegrate. The bill would also remove an existing bar that prevents early termination from being requested until one year has been served.
- **Providing courts with discretion to determine how to assess minor controlled substance possession violations.** Although supervision can always be revoked for any violation of supervision conditions, revocation and reimprisonment is mandatory in certain circumstances, including for any possession of any controlled substance. The bill would create a narrow carveout so that courts have the discretion to decide whether reimprisonment or treatment/rehabilitation is the best approach for minor misdemeanor possession offenses that do not involve intent to distribute.
- **Clarify Earned Time Credit Use Parameters.** Existing law inadvertently punishes people who are not sentenced to supervised release by prohibiting them from using their earned time credits in the same way as others. The bill addresses this loophole and thus helps ensure resources are directed to the biggest public safety threats.

The bill has been endorsed by a wide range of conservative, law enforcement, and faith groups, including America First Policy Institute, Conservative Political Action Conference (CPAC), Club for Growth, Right on Crime, Major Cities Chiefs Association, National District Attorneys Association, Federal Law Enforcement Officers Association, American Probation and Parole Association, REFORM Alliance, Unify.US, Americans for Prosperity, Faith and Freedom Coalition, Due Process Institute, Prison Fellowship, United States Conference of Mayors, National Organization of Black Law Enforcement, Texas Public Policy Foundation, Futures Without Violence, Law Enforcement Leaders to Reduce Crime & Incarceration, Law Enforcement Action Partnership, and others. Please contact Leo_OMalley@judiciary-rep.senate.gov, counsel to Sen. Mike Lee, with any questions.