

113TH CONGRESS  
1ST SESSION

# S. 619

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

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IN THE SENATE OF THE UNITED STATES

MARCH 20, 2013

Mr. PAUL (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Justice Safety Valve  
5 Act of 2013”.

6 **SEC. 2. AUTHORITY TO IMPOSE A SENTENCE BELOW A**  
7 **STATUTORY MINIMUM.**

8 Section 3553 of title 18, United States Code, is  
9 amended by adding at the end the following:

1       “(g) AUTHORITY TO IMPOSE A SENTENCE BELOW A  
2 STATUTORY MINIMUM TO PREVENT AN UNJUST SEN-  
3 TENCE.—

4           “(1) GENERAL RULE.—Notwithstanding any  
5 provision of law other than this subsection, the court  
6 may impose a sentence below a statutory minimum  
7 if the court finds that it is necessary to do so in  
8 order to avoid violating the requirements of sub-  
9 section (a).

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

14          “(3) STATEMENT IN WRITING OF FACTORS.—  
15 The court shall state, in the written statement of  
16 reasons, the factors under subsection (a) that re-  
17 quire imposition of a sentence below the statutory  
18 minimum.

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

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15.0048.01000

Sixty-fourth  
Legislative Assembly  
of North Dakota

**BILL NO.**

Introduced by

Senator Sitte

1 A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota  
2 Century Code, relating to reduction of mandatory offenses for controlled substances violations  
3 and a report on reduced correctional expenditures.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 19-03.1 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Court may reconsider mandatory sentences - Report on reduction of expenditures.**

- 8 1. On motion of the defendant, the director of the department of corrections and  
9 rehabilitation, the attorney general, or the state's attorney of the county in which the  
10 defendant was convicted of the offense, a court that has imposed a mandatory term of  
11 imprisonment under this chapter may reduce the sentence if the defendant was not  
12 also subject to a mandatory term of imprisonment under section 12.1-32-02.1.
- 13 2. Within a year of the effective date of this Act and by August first of each subsequent  
14 even-numbered year, the attorney general and the director of the department of  
15 corrections and rehabilitation shall submit to the legislative management a report  
16 outlining whether a reduction of sentence under subsection 1 has resulted in reduced  
17 expenditures on corrections and how any resulting cost-savings may be used to  
18 increase law enforcement activities and crime prevention and help reduce criminal  
19 recidivism.