

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require the Director of the Bureau of Prisons to notify each victim of the offense for which the prisoner is imprisoned the date on which the prisoner will be released.

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

S. 3649

To provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, 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 Mr. KENNEDY
to the amendment (No. _____) proposed by

Viz:

1 At the appropriate place, insert the following:

2 Redesignate section 3635 of title 18, United States
3 Code, as added by section 101(a) of this Act, as section
4 3636.

5 After section 3634 of title 18, United States Code,
6 as added by section 101(a) of this Act, insert the fol-
7 lowing:

1 **“SEC. 3635. NOTIFICATION.**

2 “The Director of the Bureau of Prisons shall—

3 “(1) notify each victim of the offense for which
4 the prisoner is imprisoned the date on which the
5 prisoner will be released or if no victim can be noti-
6 fied due to death or injury, next of kin of a victim;
7 and

8 “(2) make publicly available the rearrest data
9 of each prisoner, the offense for which the prisoner
10 is imprisoned, and any prior offense for which the
11 prisoner was imprisoned, broken down by State, of
12 any prisoner in prerelease custody or supervised re-
13 lease under section 3624.”.

14 In section 3624(g)(1) of title 18, as added by section
15 102(b)(1)(B) of this Act, add at the beginning of subpara-
16 graph (B) the following:

17 “(B) has been certified by the warden that
18 the prisoner has been determined by the warden
19 to have the programmatic, security, and reentry
20 needs of the prisoner best met by being placed
21 in prerelease custody or supervised release,
22 after the warden—

23 “(i) has notified each victim of the of-
24 fense for which the prisoner is imprisoned

1 of such potential placement (or, if no vic-
2 tim can be notified due to death or injury,
3 the next of kin of a victim); and

4 “(ii) has reviewed any statement re-
5 garding such placement made by the victim
6 or next of kin of the victim, as applicable,
7 after the notification described in clause
8 (i); and

9 In section 3632(d)(4)(D) of title 18, United States
10 Code, as added by section 101 of this Act, add at the end
11 the following:

12 “(lxiii) Section 2422, relating to coer-
13 cion and enticement.

14 “(lxiv) Section 249, relating to hate
15 crimes.

16 “(lxv) Section 752, relating to insti-
17 gating or aiding escape from Federal cus-
18 tody.

19 “(lxvi) Subsection (a) or (d) of section
20 2113, relating to bank robbery involving
21 violence or risk of death.

22 “(lxvii) Section 2119(1), relating to
23 taking a motor vehicle (commonly referred
24 to as ‘carjacking’).

1 “(lxviii) Section 111(a), relating to as-
2 saulting, resisting, or impeding certain of-
3 ficers or employees.

4 “(lxix) Any of paragraphs (2) through
5 (6) of section 113(a), relating to assault
6 with intent to commit any felony (except
7 murder or a violation of section 2241 or
8 2242), assault with a dangerous weapon,
9 assault by striking, beating, or wounding,
10 assault against a child, or assault resulting
11 in serious bodily injury.

12 “(lxx) Any offense described in section
13 111(5) of the Sex Offender Registration
14 and Notification Act (34 U.S.C. 20911(5))
15 that is not otherwise listed in this sub-
16 section, relating to sex offenses, for which
17 the offender is sentenced to a term of im-
18 prisonment of more than 1 year.

19 “(lxxi) Any offense that is not other-
20 wise listed in this subsection for which the
21 offender is sentenced to a term of impris-
22 onment of more than 1 year, and—

23 “(I) has as an element the use,
24 attempted use, or threatened use of

1 physical force against the person or
2 property of another, or

3 “(II) that, based on the facts of
4 the offense, involved a substantial risk
5 that physical force against the person
6 or property of another may have been
7 used in the course of committing the
8 offense.