

PROPOSED BILL

TITLE ³⁴ ~~34~~. THE PUBLIC HEALTH AND WELFARE
Chapter ~~134~~ - Violent Crime Control and Law Enforcement

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SUBCHAPTER I. Prisons
PART A. VIOLENT
Offender Incarceration,
Truth-in-Sentencing and
Quality Sentencing¹
Incentive Grants

Sponsored by:

This is a Bill to Amend the United States Code Annotated Law to safeguard against excessive imprisonment for those persons whose Criminal Conviction rests solely or substantially on suspect evidence.

It is respectfully besought that the Congress of the United States of America enact as follows:

Amend Section ~~12101~~ of ~~34~~ U.S.C.A. by adding a new subdivision to read as follows:

Subdivision Four:

(4) For the purposes of this section, suspect-evidence shall have the following meaning(s):

(a) Testimony provided by any witness who has received or expecting to receive any type of favorable treatment from any law enforcement entity in exchange for testimony cooperation. Further, as long as circumstances exist where any form of favorable treatment can be inferred, testimony from such witness(es) constitutes suspect-evidence;

or,

(b) cross-racial single eyewitness identification;

or

(c) stranger single eyewitness identification; or
(d) non-video taped custodial confession.

This proposed legislation should become effective immediately and applied retroactively.

Respectfully Submitted

¹ All areas of this text underlined are those portions which constitutes the proposed Amendment to section ~~12101~~ of the United States Code Annotated (U.S.C.A.) Title ~~34~~.

PROPOSED BILL

TITLE ~~37~~. THE PUBLIC HEALTH AND WELFARE
Chapter ~~176~~. Violent Crime Control and Law Enforcement

SUBCHAPTER I. Prisons
PART A. VIOLENT
Offender Incarceration,
Truth-in-Sentencing and
Quality Sentencing
Incentive Grants

Sponsored by:

This is a Bill to Amend the United States Code Annotated Law to safeguard against excessive imprisonment for those persons whose Criminal Conviction rests solely or substantially on suspect evidence.

It is respectfully besought that the Congress of the United States of America enact as follows:

Amend Section ~~1210~~[5] of ~~37~~ U.S.C.A. by adding a new section to read as follows:

THE QUALITY SENTENCING ACT

~~12105~~
~~§1210A~~. Quality sentencing incentive grants

(a) Eligibility for minimum grant

To be eligible to receive a minimum grant under this section, a State shall submit an application to the Attorney General that provides assurances that the State has implemented, or will implement correctional policies and programs, including quality-sentencing laws that ensure that an offender having been convicted of any offense via trial, and who is subject to an indeterminate and/or determinate sentence of imprisonment, and the conviction rests solely or substantially on suspect-evidence, such sentence shall be reduced to the minimum sentence allowed for such offense(s). In the event of a multiple count indictment, provided each conviction rests solely or substantially on suspect-evidence, each sentence thereupon shall be reduced as above-mentioned, and each sentence shall run concurrently with one another.

(b) Additional amount for reduced percentage of persons sentenced and time served

A State that received a grant under subsection (a)

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1 All areas of this text underlined are those portions which constitutes the proposed Amendment to Title ~~37~~ U.S.C.A. Chapter ~~176~~, subchapter I, Part A.

of this section is eligible to receive additional grant amounts if such State demonstrates that the State has, since (year to be inserted [2016]) --

(1) reduced the percentage of persons arrested for a part 1 violent crime sentenced to prison whose conviction rest solely or substantially on suspect-evidence; or

(2) reduced the average prison time actually served or the average percent of sentence served by persons convicted of a part 1 violent crime whose conviction rest solely or substantially on suspect-evidence.

Receipt of grant amounts under this subsection does not preclude eligibility for a grant under subsection (c) of this section.

(c) Additional amount for reduced rate of incarceration and percentage of sentence served.

A State that received a grant under subsection (a) of this section is eligible to receive additional grant amounts if such State demonstrates that the State has --

(1) since [2016], reduced the percentage of persons arrested for a part 1 violent crime sentenced to prison whose conviction rests solely or substantially upon suspect-evidence; or

(2) has reduced by 10 percent or more over the most recent 3-year period the number of new court commitments to prison of persons convicted of part 1 violent crimes whose conviction rests solely or substantially upon suspect-evidence.

Receipt of grant amounts under this subsection does not preclude eligibility for a grant under subsection (b) of this section.

Justification

Suspect-Evidence, as defined in the proposed bill Amendment of section 12101 of Title 34 United States Code Annotated with the proposed addition of subdivision four, has been thoroughly identified by legal scholars on all sides of the criminal justice community as the prime cause of wrongful imprisonment for defendants who have maintained their innocence only to lose trial and be subjected to the maximum possible sentence of imprisonment --- at worst --- life imprisonment or even a sentence to death.

Without the advent of some type of seemingly miraculous divine break through, those offenders wrongly imprisoned based on suspect-evidence, solely or substantially, routinely experience maximum sentencing exposure on par with those offenders who were rightfully imprisoned from unquestionable non-suspect evidence. The nature of this disparity is indubitably extremely unfair, and extreme unfairness is incongruent with the indelible fairness

upon which the administration of justice must rest.

Although the law entrusts a sentencing judge with the discretion to administer an appropriate and fair sentence in accordance with what is legally permissive, being that it is a legal evil to recognize defendants convicted upon suspect-evidence as equals with defendants convicted upon unquestionable non-suspect evidence for maximum sentencing exposure purposes, the current law must be rectified in this area by circumscribing a judge's discretion with an overdue safeguard against an otherwise unchecked permissive of extreme sentencing unfairness.

Moreover, being that nearly 95 percent of those incarcerated did not go to trial, the enactment of this bill will estimatedly apply to approximately 50,000 incarcerated people at best. Therefore, any concerns of an undue economical negative impact on employment against the work force community does not apply. Thus, this bill addresses a matter of immeasurable importance.

This proposed legislation should become effective immediately and applied retroactively.

RESPECTFULLY SUBMITTED