



Criminal Justice Reform: Legislative Review

The National District Attorneys (NDAA) strongly supports reasonable and balanced approaches to criminal justice reform. Prosecutors are in the accountability profession, and it is appropriate that any changes to the criminal justice system strike the right balance among enforcement and accountability, alternatives to incarceration, and rehabilitation.

Support for Criminal Justice Reform

- The **Begin Again Act** (S. 2596/H.R. 4958) expands the eligibility (by removing age requirements) for expungement of a first-time, simple federal drug possession offense.
- The **Driving for Opportunity Act** (S. 2313) authorizes the U.S. Department of Justice to make grants to states that do not suspend, revoke, or refuse to renew a driver's license of an individual based on such individual's failure to pay a civil or criminal fine.
- The **Due Process Continuity of Care Act** (S. 971/H.R. 3074) permits incarcerated individuals to remain eligible for Medicaid and other federal benefits prior to conviction. This bill is aimed at ensuring pretrial detainees receiving substance use treatment can continue such treatment, reducing the rates of overdose and recidivism post-detainment.
- The **EQUAL Act** (S. 524/H.R. 1062) eliminates the Federal disparity between drug offenses involving crack cocaine and powder cocaine. To date, over 40 states have enacted laws that reduce this disparity to 1:1.
- The **Federal Prison Oversight Act** (S. 1401/H.R. 3019) creates a federal oversight and inspection structure for the Bureau of Prisons (BOP) and requires periodic inspections by the Inspector General. This legislation only applies to federal facilities, both government- and privately-run, and does not apply to state, local, or tribal facilities that contract with BOP to house federal prisoners.
- The **Reentry Act** (S. 1165/H.R. 2400) allows Medicaid-eligible individuals to resume receiving Medicaid benefits 30 days prior to release from prison.
- The **Safer Supervision Act** (S. 2681/H.R. 5005) ensures that courts impose supervised release based on the individual facts of the case and promotes positive incentives through improvements to the existing early termination process. The bill requires key public safety findings before any individual can be granted early termination and expressly incorporates victims' rights into those proceedings.
- The **Strip Act** (H.R. 3563) amends the Controlled Substances Act (CSA) to decriminalize fentanyl testing equipment, including fentanyl tests strips, at the federal level. The sale, possession, or distribution of fentanyl test strips would be exempt.

Prioritizing Victims in Reform

NDAA strongly advocates that any criminal justice reform bill include:

- Resources and services for victims who are impacted by the change in law
- Input from Federal, State, Local, and Tribal Law Enforcement that may be involved in the original investigation

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