



May 26, 2021

The Honorable Dick Durbin  
Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Chuck Grassley  
Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

Re: Support for the COVID-19 Safer Detention Act (S. 312), the Prohibiting Punishment of Acquitted Conduct Act (S. 601), and the First Step Implementation Act (S. 1014)

Dear Chairman Durbin and Ranking Member Grassley:

On behalf of FreedomWorks and the millions of activists we represent nationwide, I write today to thank you for holding a markup of the COVID-19 Safer Detention Act, the Prohibiting Punishment of Acquitted Conduct Act, and the First Step Implementation Act and express our strong support for these three bills critical to advancing smart-on-crime justice reform.

In keeping with the bipartisan efforts to create a more fair and effective system focused on wise use of limited resources to administer justice while emphasizing correctional practices and rehabilitation, these three bills would both further the reforms enacted in the First Step Act of 2018 and stake new ground for the federal prison system in leading on smart policymaking.

The COVID-19 Safer Detention Act (S. 312) would allow supervised home confinement for individuals who are nonviolent with no history of violent or sex offenses and have served 50 percent of their sentences. It would also make clarifications and technical corrections to the Elderly Home Detention Pilot Program and compassionate release processes. The COVID-19 pandemic has highlighted the unnecessary nature of incarcerating elderly individuals who are often both the most expensive to incarcerate and the least likely to commit new crimes.

The Prohibiting the Punishment of Acquitted Conduct Act (S. 601) would do what is already believed to be practice, which is disallow federal judges from increasing an individual's sentence based on conduct he or she has been acquitted of by a jury. That such practice is allowable under current law is egregious, unacceptable, and flies in the face of numerous constitutional rights.

The First Step Implementation Act (S. 1014) would importantly build upon the bipartisanly negotiated reforms in the First Step Act of 2018, by furthering the 924(c) and "safety valve" sentencing changes and advancing juvenile justice reforms to encourage rehabilitation through resentencing as well as record sealing and expungement opportunities for nonviolent offenses.

Together, these three bills represent significant further strides for the federal justice system in maintaining the rule of law while, at the same time, encouraging rehabilitation and wise use of taxpayer resources. I thank you for holding this markup and hope to see these three bills gain the bipartisan support they are worthy of, in the interest of liberty and justice for all.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Brandon', with a stylized, sweeping flourish at the end.

Adam Brandon  
President, FreedomWorks

Cc: Members of the Senate Committee on the Judiciary