



# Sentencing Reform and Corrections Act of 2017

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*In Brief:* [The Sentencing Reform and Corrections Act](#) (SRCA) is a bipartisan Senate bill (S. 1917) that would reduce certain mandatory minimum sentences for nonviolent federal drug offenses and aims to prevent people from returning to prison.

## How are LGBTQ people affected by the criminal justice system?

- **LGBTQ people—especially low-income LGBTQ people of color—are disproportionately impacted by the criminal justice system.** LGBTQ individuals experience significantly higher rates of [joblessness and poverty](#) than the general population, leading many to turn to underground economies like sex work or drug sales for income. Police bias, abuse and profiling of LGBTQ people—especially trans women of color—means more LGBTQ people are [targeted by law enforcement](#). These factors, together with widespread discrimination and social marginalization, contribute to the significant overrepresentation of LGBTQ people in prisons and jails [where 40% of incarcerated women and 9% of incarcerated men](#) are sexual minorities.

The 2015 U.S. Transgender Survey found that 2% of transgender respondents were incarcerated in the previous year, more than twice the rate in the general population (0.87%), with Black (9%) and American Indian (6%) transgender women being most impacted. A 2008-09 national survey found that, over their lifetime, [1 in 8 transgender people](#) had been incarcerated, with 1 in 4 trans Latinas and nearly half of Black trans people having experienced incarceration. Many respondents to that survey reported being held in a cell because of their gender identity alone, especially Black (41%) and Latino/a (21%) trans people. And while 7-9% of youth are thought to be LGBTQ, [20% in juvenile detention are LGBTQ](#).

- **Prisons and jails are fundamentally unsafe for LGBTQ people.** Excessive sentences increase LGBTQ people's exposure to verbal, physical, and sexual harassment, and abuse in incarceration. LGBTQ prisoners are significantly more likely to be sexually assaulted in prison, with [12% of gay and bisexual men and 40% of transgender people](#) reporting a sexual assault in 2011. In a survey of LGBTQ inmates, [85% of respondents had been placed in solitary confinement](#)—many purportedly for their own protection—and approximately half had spent two years or more in solitary. LGBTQ, and especially transgender inmates are often [denied needed medical care while incarcerated](#) including transition-related care, HIV-related care, and mental and behavioral care. In the previous year [37% of transgender people who were on hormone treatment were denied medication once incarcerated](#).

- **The challenges of reintegration are compounded by anti-LGBTQ discrimination.** Upon release from incarceration, LGBTQ people, like many formerly incarcerated people, may struggle to get hired, find housing, and rebuild their support networks. The discrimination and marginalization that many LGBTQ people face can make these critical steps towards reintegration even more challenging. Returning LGBTQ community members need programs to help them navigate reentry, including job training and placement and substance use treatment.

### **How would SRCA impact LGBTQ people?**

- **Reduces mandatory minimum sentences for non-violent, low-level and repeat drug crimes:** This measure would significantly reduce the number of incarcerated LGBTQ people who serve long sentences, thereby limiting the exposure of LGBTQ individuals to the widespread physical, sexual, and emotional violence in prisons
- **Limits placement of juveniles in solitary confinement:** SCRA would limit the use of solitary confinement for juveniles to a last resort and for very short periods. This provision would protect LGBTQ youth who are disproportionately placed in solitary confinement compared to their non-LGBTQ peers.
- **Expands programming to support recidivism reduction:** The Senate bill increases access to reentry programming during incarceration, and provides incentives to individuals who participate in those programs. LGBTQ people in confinement are more likely to need the support these programs provide, and many will receive sentence reductions for participation.
- **Gives prisoners opportunity to petition for resentencing:** SRCA would allow people convicted of certain drug offenses, including crack cocaine-related offenses prior to the passage of the Fair Sentencing Act of 2010, to ask judges to reduce their current sentences.

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