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What Can Federal Courts Do About Extreme, Outdated Sentences?

The scattered aftermath of a recent Supreme Court ruling shows the need for new solutions.

Ram Subramaniam / Ames Grabert

February 17, 2023

It's well-known that federal mandatory minimums result in [disproportionate and inflexible prison sentences](#).

These penalties are especially notorious in [drug cases](#), where they've contributed significantly to racial disparities in prison. What may be surprising, though, is that many of these sentences continue even after the underlying laws are repealed.

When Congress changes the penalty for a given crime, it doesn't automatically benefit people already serving time in prison for that offense. Congress must specifically make the change retroactive — which some lawmakers hesitate to do. The result is that hundreds, maybe even thousands of people are in federal prison today serving severe sentences that Congress no longer believes are fair or effective.

A 2022 Supreme Court decision — *Concepcion v. United States* — raised hope for expanded relief for those still in prison under now-repudiated federal penalties. Instead, there remains a deep disagreement among federal courts over how, if at all, to weigh nonretroactive changes to federal penalties when revisiting a prison sentence. The full contours of the decision's impact will become clearer with time, but ultimately, correcting unjust and now disavowed sentencing laws will likely require a more comprehensive approach.

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