

#First Step Act



S. 2795 - The FIRST STEP Act

Sen. Sheldon Whitehouse (D- RI) and John Cornyn (R - TX)

The **FIRST STEP Act** will ensure people are prepared to come home from prison job-ready and have major incentives to pursue the life-changing classes that will help them succeed on the outside.

Currently, the federal prison system is failing to achieve its purpose - rehabilitation- and instead rips people away from their families, leaves them with fewer opportunities than when they entered into the system, and ultimately decreases public safety.

The **FIRST STEP Act** is an important piece of legislation that begins to address this. This bill will put the focus back on rehabilitation and finding ways to give people an opportunity to come home and succeed.

If passed, the FIRST STEP Act would:

Fix Good Time Credits ensuring that incarcerated individuals can earn the 54 days of good time credit per year, and not just the 47 days that BOP currently allows. This retroactively applies to everyone in federal prison who has earned credit for good behavior. It is estimated that fixing this will allow some men and women to leave prison soon after the bill passes, yielding savings of \$40 million in the first year.

Major incentives for participating in programs, allowing for 10 days in prerelease custody for every 30 days of successful participation, with no cap on the prerelease credit that can be earned. Beyond prerelease custody, other incentives include increased phone and visitation periods, transfer to institutions closer to one's release residence and additional policies which can include increased commissary spending, access to email, consideration of transfer and other incentives solicited from prisoners themselves.

Availability of prerelease custody by requiring the BOP to transfer low and minimum risk prisoners to prerelease custody—either a half-way house or home confinement. Because the bill provides that BOP **shall** do this, BOP will in effect be required to improve contracting with residential re-entry centers, and improve current policies. Even for those who are not designated as low or minimum risk, the FIRST STEP Act provides a pathway to petition for prerelease custody.

If passed, the FIRST STEP Act would:

Creation and expansion of

life-changing classes by authorizing \$250 million over five years to the BOP for the development and expansion of programming focused on skill-building, education and vocational training. These classes will help prepare individuals for a successful and lasting transition back into their communities. The bill also allows partnerships between nonprofits, volunteers, faith groups and other organizations to ensure that classes are accessible to as many people as possible.

Prioritize people inside who need

it most because evidence shows that individuals who are at the greatest risk of future crime are the most in need of treatment, classes and counseling. To make legislation as effective as possible, it gives priority to incarcerated men and women who are classified as high and medium risk.

Move people closer to home

because contact with family is one of the most important aspects that will help individuals reintegrate into society successfully. That's why the bill mandates that prisoners shall be placed within 500 driving miles of their families, because the journey to visit loved ones in prison can be extremely burdensome and cost-prohibitive for families.

Dignity for women by banning the shackling of pregnant women and extending those protections to three months after her pregnancy. In addition, the bill requires that BOP provide sanitary napkins and tampons to incarcerated women at no cost.

Provide IDs to ensure that individuals leaving federal prison have their ID prior to their release. This will reduce the collateral consequences of incarceration by allowing a quicker integration back into society, as well as create significant cost savings of approximately \$19 million.

Expand Compassionate release

by reducing the minimum age of prisoner eligibility for elderly release from 65 years of age to 60 years of age, and minimum time served of prisoner eligibility for elderly release from 75% to 2/3. It also expands the program to all prisons. Finally, it allows the incarcerated individuals to seek relief under the program directly from a court so that administrative hurdles within the Bureau of Prisons do not hamper one's ability to be released.

Hold the Bureau of Prisons accountable because we know that well-intentioned legislation can be thwarted or undermined during the implementation phase. Throughout the bill, there is language providing that BOP and the Attorney General ***shall*** do things, not just that they ***may*** do them. Specifically, that incarcerated individuals ***shall*** earn time credits for programming, that the credit ***shall*** be applied towards time in prerelease custody and that BOP ***shall*** transfer them to prerelease custody. It also states that BOP ***shall*** place lower risk individuals in home confinement. Finally, BOP ***shall*** set up a savings account for 15% of inmate compensation to be used to assist with the costs associated with release from prison. The bill also provides for a biannual GAO audit and requires the Attorney General to report annually to Congress on the activities implemented, the effectiveness of the programming, the recidivism rates and savings.