

Ineligible Prisoners – Earned Time Credits 18 U.S.C. § 3632

Person is ineligible to receive ETC if “serving a sentence for a conviction” under these statutes (18 U.S.C. § 3632(d)(4)(D)):**

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| <ul style="list-style-type: none"> ➤ 18 U.S.C. § 32 Destruction of aircraft/aircraft facilities ➤ 18 U.S.C. § 33 Destruction of MV/MV facilities ➤ 18 U.S.C. § 36 Drive by Shootings ➤ 18 U.S.C. § 81 Maritime/Territorial Jurisdiction Arson ➤ 18 U.S.C. § 111(b) Assault with Deadly Weapon/IBI ➤ 18 U.S.C. §§ 113 (a)(1), (7), or (8) Assaults ➤ 18 U.S.C. § 115 (except threats) Impede/Influence Federal Official ➤ 18 U.S.C. § 116 Female Genital Mutilation ➤ 18 U.S.C. § 117 Habitual Domestic Assault ➤ Ch 10 (Biological Weapons 18 U.S.C. §§ 175, 178) ➤ Ch. 11B (Chemical Weapons 18 U.S.C. §§ 229-229F) ➤ 18 U.S.C. § 351 Assassinate Congress/Cabinet/SCOTUS ➤ 18 U.S.C. § 521 Street Gangs ➤ 18 U.S.C. § 751 Prisoners in Custody ➤ 18 U.S.C. § 793 Defense Info ➤ 18 U.S.C. § 794 Defense Info (Foreign Govt.) ➤ Ch. 39 (Explosives 18 U.S.C. § 831-835, except § 836) ➤ 18 U.S.C. § 842(p) but only if WOMD from § 2232a(c) ➤ 18 U.S.C. § 844 (f)(3), (h), (i) Fire/Explosives ➤ 18 U.S.C. § 871 Threats Against US/President ➤ 18 U.S.C. § 924(c) ➤ 18 U.S.C. § 1030(a)(1) Computer Fraud | <ul style="list-style-type: none"> ➤ 18 U.S.C. § 1091 Genocide ➤ Ch. 51 (Homicide 18 U.S.C. §§ 1111-1121, except §§ 1112-13, 1115, 1122) ➤ Ch. 55 (Kidnapping 18 U.S.C. §§ 1201-04) ➤ Ch. 77 (Slavery/Trafficking 18 U.S.C. §§ 1593-96) ➤ 18 U.S.C. § 1751 President assassination/kidnap/assault ➤ 18 U.S.C. § 1791 Prison Contraband ➤ 18 U.S.C. § 1792 Mutiny/Riot ➤ 18 U.S.C. § 1841(a)(2)(C) Killing Child ➤ 18 U.S.C. § 1992 Terrorism with Land Systems ➤ 18 U.S.C. § 2113(e) Bank Robbery with Death ➤ 18 U.S.C. § 2118(c) Robbery/Burglary with Control. Sub. ➤ 18 U.S.C. § 2119 Carjacking ➤ Ch. 105 (Sabotage 18 U.S.C. § 2151-56, except § 2152) ➤ Ch. 109A (Sex Abuse 18 U.S.C. §§ 2241-48) ➤ 18 U.S.C. § 2250 Fail to Register ➤ 18 U.S.C. §§ 2251, 2251A Child Exploitation ➤ 18 U.S.C. §§ 2252, 2252A Child Porn. ➤ 18 U.S.C. § 2260 Import. Child Porn. ➤ 18 U.S.C. § 2283 Transport Explosive Material ➤ 18 U.S.C. § 2284 Transport Terrorists ➤ 18 U.S.C. § 2291 Destruction Maritime Vessel/Facility if substantial risk of death/SBI ➤ Ch. 113B (Terrorism 18 U.S.C. §§ 2331-2339D) | <ul style="list-style-type: none"> ➤ 18 U.S.C. § 2340A Torture ➤ 18 U.S.C. § 2381 Treason ➤ 18 U.S.C. § 2442 Child Soldiers ➤ Serious Violent Felony under 18 U.S.C. § 3559(c)(2)(F) if > 1 yr prison and qualifying prior ➤ 42 U.S.C. § 2077(b) Production Nuclear Matl. ➤ 42 U.S.C. § 2122 Prohibition Atomic Weapons ➤ 42 U.S.C. § 2131 Atomic Energy License Req'mt. ➤ 42 U.S.C. § 2274, 2275 Communication/Receipt Restricted Data ➤ 42 U.S.C. § 2284 Sabotage Nuclear Facility/Fuel ➤ 49 U.S.C. § 60123(b) Damage/Destroy Pipeline if death/SBI ➤ 21 U.S.C. § 841(b)(1)(A-C) Manufacture/Distribution if death/SBI *requires conviction* ➤ 8 U.S.C. § 1326(b)(1)-(2) Alien Reentry ➤ 8 U.S.C. § 1327 Aid/Assist Alien ➤ 8 U.S.C. § 1328 Import. Alien ➤ 50 U.S.C. § 4611 et seq. (Export Admin. Act) ➤ 50 U.S.C. § 1705 International Emerg. Econ. Powers Act ➤ 50 U.S.C. § 3121 National Security Act ➤ 21 U.S.C. §§ 841(b)(1)(A)(vi) or (B)(vi) or § 960 (b)(1)(F) or (2)(F) Drugs (fentanyl/analogue) |
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Ineligible for ETC if “serving sentence for conviction”+ court finding such as (18 U.S.C. § 3632(d)(4)(D)(lxv)-(lxviii)):**

- 21 U.S.C. §§ 841(b)(1)(A)(i) or (B)(i) or 960(b)(1)(A) or (2)(A) **heroin** and court finds person was organizer, leader, manager, or supervisor
- 21 U.S.C. §§ 841(b)(1)(A)(viii) or (B)(viii) or 960 (b)(1)(H) or (2)(H) **meth** and court finds person was organizer, leader, manager, or supervisor
- 21 U.S.C. §§ 841(b)(1)(A)-(B) or 960(b)(1)-(2) for **any drug** if court finds offense involved fentanyl/analogue and was organizer, leader, manager, or supervisor

Deportable persons (18 U.S.C. § 3632(d)(4)(E)) - ineligible to apply ETC if subject to final order of removal (and anyone seeking to earn time credits are subject to deportation proceedings as early as practicable).

***BOP interpretation means that person is ineligible to receive ETC if any part of sentence is for time-credit ineligible offense (including RSV), even if some or most of aggregate prison sentence is for a time-credit eligible offense.*