

First Step Act's Relevant Earned Time Credit Statutes

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United States Code Annotated
Title 18. Crimes and Criminal Procedure (Refs & Annos)
Part II. Criminal Procedure
Chapter 229. Postsentence Administration (Refs & Annos)
Subchapter C. Imprisonment

18 U.S.C.A. § 3621

§ 3621. Imprisonment of a convicted person

Effective: October 1, 2022

[Currentness](#)

(a) Commitment to custody of Bureau of Prisons.--A person who has been sentenced to a term of imprisonment pursuant to the provisions of subchapter D of chapter 227 shall be committed to the custody of the Bureau of Prisons until the expiration of the term imposed, or until earlier released for satisfactory behavior pursuant to the provisions of [section 3624](#).

(b) Place of imprisonment.--The Bureau of Prisons shall designate the place of the prisoner's imprisonment, and shall, subject to bed availability, the prisoner's security designation, the prisoner's programmatic needs, the prisoner's mental and medical health needs, any request made by the prisoner related to faith-based needs, recommendations of the sentencing court, and other security concerns of the Bureau of Prisons, place the prisoner in a facility as close as practicable to the prisoner's primary residence, and to the extent practicable, in a facility within 500 driving miles of that residence. The Bureau shall, subject to consideration of the factors described in the preceding sentence and the prisoner's preference for staying at his or her current facility or being transferred, transfer prisoners to facilities that are closer to the prisoner's primary residence even if the prisoner is already in a facility within 500 driving miles of that residence. The Bureau may designate any available penal or correctional facility that meets minimum standards of health and habitability established by the Bureau, whether maintained by the Federal Government or otherwise and whether within or without the judicial district in which the person was convicted, that the Bureau determines to be appropriate and suitable, considering--

- (1) the resources of the facility contemplated;
- (2) the nature and circumstances of the offense;
- (3) the history and characteristics of the prisoner;
- (4) any statement by the court that imposed the sentence--
 - (A) concerning the purposes for which the sentence to imprisonment was determined to be warranted; or
 - (B) recommending a type of penal or correctional facility as appropriate; and

(5) any pertinent policy statement issued by the Sentencing Commission pursuant to [section 994\(a\)\(2\) of title 28](#).

In designating the place of imprisonment or making transfers under this subsection, there shall be no favoritism given to prisoners of high social or economic status. The Bureau may at any time, having regard for the same matters, direct the transfer of a prisoner from one penal or correctional facility to another. The Bureau shall make available appropriate substance abuse treatment for each prisoner the Bureau determines has a treatable condition of substance addiction or abuse. Any order, recommendation, or request by a sentencing court that a convicted person serve a term of imprisonment in a community corrections facility shall have no binding effect on the authority of the Bureau under this section to determine or change the place of imprisonment of that person. Notwithstanding any other provision of law, a designation of a place of imprisonment under this subsection is not reviewable by any court.

(c) Delivery of order of commitment.--When a prisoner, pursuant to a court order, is placed in the custody of a person in charge of a penal or correctional facility, a copy of the order shall be delivered to such person as evidence of this authority to hold the prisoner, and the original order, with the return endorsed thereon, shall be returned to the court that issued it.

(d) Delivery of prisoner for court appearances.--The United States marshal shall, without charge, bring a prisoner into court or return him to a prison facility on order of a court of the United States or on written request of an attorney for the Government.

(e) Substance abuse treatment.--

(1) Phase-in.--In order to carry out the requirement of the last sentence of subsection (b) of this section, that every prisoner with a substance abuse problem have the opportunity to participate in appropriate substance abuse treatment, the Bureau of Prisons shall, subject to the availability of appropriations, provide residential substance abuse treatment (and make arrangements for appropriate aftercare)--

(A) for not less than 50 percent of eligible prisoners by the end of fiscal year 1995, with priority for such treatment accorded based on an eligible prisoner's proximity to release date;

(B) for not less than 75 percent of eligible prisoners by the end of fiscal year 1996, with priority for such treatment accorded based on an eligible prisoner's proximity to release date; and

(C) for all eligible prisoners by the end of fiscal year 1997 and thereafter, with priority for such treatment accorded based on an eligible prisoner's proximity to release date.

(2) Incentive for prisoners' successful completion of treatment program.--

(A) **Generally.**--Any prisoner who, in the judgment of the Director of the Bureau of Prisons, has successfully completed a program of residential substance abuse treatment provided under paragraph (1) of this subsection, shall remain in the custody of the Bureau under such conditions as the Bureau deems appropriate. If the conditions of confinement are different from those the prisoner would have experienced absent the successful completion of the treatment, the Bureau shall periodically test the prisoner for substance abuse and discontinue such conditions on determining that substance abuse has recurred.

(B) Period of custody.--The period a prisoner convicted of a nonviolent offense remains in custody after successfully completing a treatment program may be reduced by the Bureau of Prisons, but such reduction may not be more than one year from the term the prisoner must otherwise serve.

(3) Report.--The Bureau of Prisons shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives on January 1, 1995, and on January 1 of each year thereafter, a report. Such report shall contain--

(A) a detailed quantitative and qualitative description of each substance abuse treatment program, residential or not, operated by the Bureau;

(B) a full explanation of how eligibility for such programs is determined, with complete information on what proportion of prisoners with substance abuse problems are eligible; and

(C) a complete statement of to what extent the Bureau has achieved compliance with the requirements of this title.

(4) Authorization of appropriations.--There are authorized to carry out this subsection such sums as may be necessary for each of fiscal years 2007 through 2011.

(5) Definitions.--As used in this subsection--

(A) the term “residential substance abuse treatment” means a course of individual and group activities and treatment, lasting at least 6 months, in residential treatment facilities set apart from the general prison population (which may include the use of pharmacotherapies,¹ where appropriate, that may extend beyond the 6-month period);

(B) the term “eligible prisoner” means a prisoner who is--

(i) determined by the Bureau of Prisons to have a substance abuse problem; and

(ii) willing to participate in a residential substance abuse treatment program; and

(C) the term “aftercare” means placement, case management and monitoring of the participant in a community-based substance abuse treatment program when the participant leaves the custody of the Bureau of Prisons.

(6) Coordination of federal assistance.--The Bureau of Prisons shall consult with the Department of Health and Human Services concerning substance abuse treatment and related services and the incorporation of applicable components of existing comprehensive approaches including relapse prevention and aftercare services.

(7) Eligibility of primary caretaker parents and pregnant women.--The Director of the Bureau of Prisons may not prohibit an eligible prisoner who is a primary caretaker parent (as defined in [section 4051](#)) or pregnant from participating in a program of residential substance abuse treatment provided under paragraph (1) on the basis of a failure by the eligible prisoner, before being committed to the custody of the Bureau of Prisons, to disclose to any official of the Bureau of Prisons that the prisoner had a substance abuse problem on or before the date on which the eligible prisoner was committed to the custody of the Bureau of Prisons.

(f) Sex offender management.--

(1) In general.--The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

(A) Sex offender management programs.--The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during pre-release custody.

(B) Residential sex offender treatment programs.--The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

(2) Regions.--At least 1 sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

(3) Authorization of appropriations.--There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.

(g) Partnerships to expand access to reentry programs proven to reduce recidivism.--

(1) Definition.--The term “demonstrated to reduce recidivism” means that the Director of Bureau of Prisons has determined that appropriate research has been conducted and has validated the effectiveness of the type of program on recidivism.

(2) Eligibility for recidivism reduction partnership.--A faith-based or community-based nonprofit organization that provides mentoring or other programs that have been demonstrated to reduce recidivism is eligible to enter into a recidivism reduction partnership with a prison or community-based facility operated by the Bureau of Prisons.

(3) Recidivism reduction partnerships.--The Director of the Bureau of Prisons shall develop policies to require wardens of prisons and community-based facilities to enter into recidivism reduction partnerships with faith-based and community-based nonprofit organizations that are willing to provide, on a volunteer basis, programs described in paragraph (2).

(4) Reporting requirement.--The Director of the Bureau of Prisons shall submit to Congress an annual report on the last day of each fiscal year that--

(A) details, for each prison and community-based facility for the fiscal year just ended--

(i) the number of recidivism reduction partnerships under this section that were in effect;

(ii) the number of volunteers that provided recidivism reduction programming; and

(iii) the number of recidivism reduction programming hours provided; and

(B) explains any disparities between facilities in the numbers reported under subparagraph (A).

(h) Implementation of risk and needs assessment system.--

(1) In general.--Not later than 180 days after the Attorney General completes and releases the risk and needs assessment system (referred to in this subsection as the “System”) developed under subchapter D, the Director of the Bureau of Prisons shall, in accordance with that subchapter--

(A) implement and complete the initial intake risk and needs assessment for each prisoner (including for each prisoner who was a prisoner prior to the effective date of this subsection), regardless of the prisoner's length of imposed term of imprisonment, and begin to assign prisoners to appropriate evidence-based recidivism reduction programs based on that determination;

(B) begin to expand the effective evidence-based recidivism reduction programs and productive activities it offers and add any new evidence-based recidivism reduction programs and productive activities necessary to effectively implement the System; and

(C) begin to implement the other risk and needs assessment tools necessary to effectively implement the System over time, while prisoners are participating in and completing the effective evidence-based recidivism reduction programs and productive activities.

(2) Phase-in.--In order to carry out paragraph (1), so that every prisoner has the opportunity to participate in and complete the type and amount of evidence-based recidivism reduction programs or productive activities they need, and be reassessed for recidivism risk as necessary to effectively implement the System, the Bureau of Prisons shall--

(A) provide such evidence-based recidivism reduction programs and productive activities for all prisoners before the date that is 2 years after the date on which the Bureau of Prisons completes a risk and needs assessment for each prisoner under paragraph (1)(A); and

(B) develop and validate the risk and needs assessment tool to be used in the reassessments of risk of recidivism, while prisoners are participating in and completing evidence-based recidivism reduction programs and productive activities.

(3) Priority during phase-in.--During the 2-year period described in paragraph (2)(A), the priority for such programs and activities shall be accorded based on a prisoner's proximity to release date.

(4) Preliminary expansion of evidence-based recidivism reduction programs and authority to use incentives.--Beginning on the date of enactment of this subsection, the Bureau of Prisons may begin to expand any evidence-based recidivism reduction programs and productive activities that exist at a prison as of such date, and may offer to prisoners who successfully participate in such programs and activities the incentives and rewards described in subchapter D.

(5) Recidivism reduction partnerships.--In order to expand evidence-based recidivism reduction programs and productive activities, the Attorney General shall develop policies for the warden of each prison of the Bureau of Prisons to enter into partnerships, subject to the availability of appropriations, with any of the following:

(A) Nonprofit and other private organizations, including faith-based, art, and community-based organizations that will deliver recidivism reduction programming on a paid or volunteer basis.

(B) Institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 ([20 U.S.C. 1001](#))) that will deliver instruction on a paid or volunteer basis.

(C) Private entities that will--

(i) deliver vocational training and certifications;

(ii) provide equipment to facilitate vocational training or employment opportunities for prisoners;

(iii) employ prisoners; or

(iv) assist prisoners in prerelease custody or supervised release in finding employment.

(D) Industry-sponsored organizations that will deliver workforce development and training, on a paid or volunteer basis.

(6) Requirement to provide programs to all prisoners; priority.--The Director of the Bureau of Prisons shall provide all prisoners with the opportunity to actively participate in evidence-based recidivism reduction programs or productive activities, according to their specific criminogenic needs, throughout their entire term of incarceration. Priority for participation in recidivism reduction programs shall be given to medium-risk and high-risk prisoners, with access to productive activities given to minimum-risk and low-risk prisoners.

(7) Definitions.--The terms in this subsection have the meaning given those terms in [section 3635](#).

(i) Continued access to medical care.--

(1) In general.--In order to ensure a minimum standard of health and habitability, the Bureau of Prisons should ensure that each prisoner in a community confinement facility has access to necessary medical care, mental health care, and medicine through partnerships with local health service providers and transition planning.

(2) Definition.--In this subsection, the term “community confinement” has the meaning given that term in the application notes under [section 5F1.1 of the Federal Sentencing Guidelines Manual](#), as in effect on the date of the enactment of the Second Chance Act of 2007.

CREDIT(S)

(Added [Pub.L. 98-473, Title II, § 212\(a\)\(2\)](#), Oct. 12, 1984, 98 Stat. 2007; amended [Pub.L. 101-647, Title XXIX, § 2903](#), Nov. 29, 1990, 104 Stat. 4913; [Pub.L. 103-322, Title II, § 20401, Title III, § 32001](#), Sept. 13, 1994, 108 Stat. 1824, 1896; [Pub.L. 109-162, Title XI, § 1146](#), Jan. 5, 2006, 119 Stat. 3112; [Pub.L. 109-248, Title VI, § 622](#), July 27, 2006, 120 Stat. 634; [Pub.L. 110-199, Title II, §§ 231\(f\), 251\(b\), 252](#), Apr. 9, 2008, 122 Stat. 687, 693; [Pub.L. 115-391, Title I, § 102\(a\), Title V, § 504\(f\)\(1\), Title VI, § 601](#), Dec. 21, 2018, 132 Stat. 5208, 5234, 5237; [Pub.L. 117-103, Div. W, Title X, § 1001\(c\)](#), Mar. 15, 2022, 136 Stat. 914.)

Footnotes

¹ So in original. Probably should be “pharmacotherapies”.

18 U.S.C.A. § 3621, 18 USCA § 3621

Current through P.L. 118-106. Some statute sections may be more current, see credits for details.



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

United States Code Annotated

Title 18. Crimes and Criminal Procedure (Refs & Annos)

Part II. Criminal Procedure

Chapter 229. Postsentence Administration (Refs & Annos)

Subchapter C. Imprisonment

18 U.S.C.A. § 3624

§ 3624. Release of a prisoner

Effective: July 19, 2019

[Currentness](#)

(a) Date of release.--A prisoner shall be released by the Bureau of Prisons on the date of the expiration of the prisoner's term of imprisonment, less any time credited toward the service of the prisoner's sentence as provided in subsection (b). If the date for a prisoner's release falls on a Saturday, a Sunday, or a legal holiday at the place of confinement, the prisoner may be released by the Bureau on the last preceding weekday.

(b) Credit toward service of sentence for satisfactory behavior.--

(1) Subject to paragraph (2), a prisoner who is serving a term of imprisonment of more than 1 year¹ other than a term of imprisonment for the duration of the prisoner's life, may receive credit toward the service of the prisoner's sentence, of up to 54 days for each year of the prisoner's sentence imposed by the court, subject to determination by the Bureau of Prisons that, during that year, the prisoner has displayed exemplary compliance with institutional disciplinary regulations. Subject to paragraph (2), if the Bureau determines that, during that year, the prisoner has not satisfactorily complied with such institutional regulations, the prisoner shall receive no such credit toward service of the prisoner's sentence or shall receive such lesser credit as the Bureau determines to be appropriate. In awarding credit under this section, the Bureau shall consider whether the prisoner, during the relevant period, has earned, or is making satisfactory progress toward earning, a high school diploma or an equivalent degree. Credit that has not been earned may not later be granted. Subject to paragraph (2), credit for the last year of a term of imprisonment shall be credited on the first day of the last year of the term of imprisonment.

(2) Notwithstanding any other law, credit awarded under this subsection after the date of enactment of the Prison Litigation Reform Act shall vest on the date the prisoner is released from custody.

(3) The Attorney General shall ensure that the Bureau of Prisons has in effect an optional General Educational Development program for inmates who have not earned a high school diploma or its equivalent.

(4) Exemptions to the General Educational Development requirement may be made as deemed appropriate by the Director of the Federal Bureau of Prisons.

(c) Prerelease custody.--

(1) In general.--The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility.

(2) Home confinement authority.--The authority under this subsection may be used to place a prisoner in home confinement for the shorter of 10 percent of the term of imprisonment of that prisoner or 6 months. The Bureau of Prisons shall, to the extent practicable, place prisoners with lower risk levels and lower needs on home confinement for the maximum amount of time permitted under this paragraph.

(3) Assistance.--The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during prerelease custody under this subsection.

(4) No limitations.--Nothing in this subsection shall be construed to limit or restrict the authority of the Director of the Bureau of Prisons under [section 3621](#).

(5) Reporting.--Not later than 1 year after the date of the enactment of the Second Chance Act of 2007 (and every year thereafter), the Director of the Bureau of Prisons shall transmit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report describing the Bureau's utilization of community corrections facilities. Each report under this paragraph shall set forth the number and percentage of Federal prisoners placed in community corrections facilities during the preceding year, the average length of such placements, trends in such utilization, the reasons some prisoners are not placed in community corrections facilities, and number of prisoners not being placed in community corrections facilities for each reason set forth, and any other information that may be useful to the committees in determining if the Bureau is utilizing community corrections facilities in an effective manner.

(6) Issuance of regulations.--The Director of the Bureau of Prisons shall issue regulations pursuant to this subsection not later than 90 days after the date of the enactment of the Second Chance Reauthorization Act of 2018, which shall ensure that placement in a community correctional facility by the Bureau of Prisons is--

(A) conducted in a manner consistent with [section 3621\(b\)](#) of this title;

(B) determined on an individual basis; and

(C) of sufficient duration to provide the greatest likelihood of successful reintegration into the community.

(d) Allotment of clothing, funds, and transportation.--Upon the release of a prisoner on the expiration of the prisoner's term of imprisonment, the Bureau of Prisons shall furnish the prisoner with--

(1) suitable clothing;

(2) an amount of money, not more than \$500, determined by the Director to be consistent with the needs of the offender and the public interest, unless the Director determines that the financial position of the offender is such that no sum should be furnished; and

(3) transportation to the place of the prisoner's conviction, to the prisoner's bona fide residence within the United States, or to such other place within the United States as may be authorized by the Director.

(e) Supervision after release.--A prisoner whose sentence includes a term of supervised release after imprisonment shall be released by the Bureau of Prisons to the supervision of a probation officer who shall, during the term imposed, supervise the person released to the degree warranted by the conditions specified by the sentencing court. The term of supervised release commences on the day the person is released from imprisonment and runs concurrently with any Federal, State, or local term of probation or supervised release or parole for another offense to which the person is subject or becomes subject during the term of supervised release. A term of supervised release does not run during any period in which the person is imprisoned in connection with a conviction for a Federal, State, or local crime unless the imprisonment is for a period of less than 30 consecutive days. Upon the release of a prisoner by the Bureau of Prisons to supervised release, the Bureau of Prisons shall notify such prisoner, verbally and in writing, of the requirement that the prisoner adhere to an installment schedule, not to exceed 2 years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner, and of the consequences of failure to pay such fines under [sections 3611 through 3614](#) of this title.

(f) Mandatory functional literacy requirement.--

(1) The Attorney General shall direct the Bureau of Prisons to have in effect a mandatory functional literacy program for all mentally capable inmates who are not functionally literate in each Federal correctional institution within 6 months from the date of the enactment of this Act.

(2) Each mandatory functional literacy program shall include a requirement that each inmate participate in such program for a mandatory period sufficient to provide the inmate with an adequate opportunity to achieve functional literacy, and appropriate incentives which lead to successful completion of such programs shall be developed and implemented.

(3) As used in this section, the term "functional literacy" means--

(A) an eighth grade equivalence in reading and mathematics on a nationally recognized standardized test;

(B) functional competency or literacy on a nationally recognized criterion-referenced test; or

(C) a combination of subparagraphs (A) and (B).

(4) Non-English speaking inmates shall be required to participate in an English-As-A-Second-Language program until they function at the equivalence of the eighth grade on a nationally recognized educational achievement test.

(5) The Chief Executive Officer of each institution shall have authority to grant waivers for good cause as determined and documented on an individual basis.

(g) Prerelease custody or supervised release for risk and needs assessment system participants.--

(1) Eligible prisoners.--This subsection applies in the case of a prisoner (as such term is defined in [section 3635](#)) who--

(A) has earned time credits under the risk and needs assessment system developed under subchapter D (referred to in this subsection as the “System”) in an amount that is equal to the remainder of the prisoner's imposed term of imprisonment;

(B) has shown through the periodic risk reassessments a demonstrated recidivism risk reduction or has maintained a minimum or low recidivism risk, during the prisoner's term of imprisonment;

(C) has had the remainder of the prisoner's imposed term of imprisonment computed under applicable law; and

(D)(i) in the case of a prisoner being placed in prerelease custody, the prisoner--

(I) has been determined under the System to be a minimum or low risk to recidivate pursuant to the last 2 reassessments of the prisoner; or

(II) has had a petition to be transferred to prerelease custody or supervised release approved by the warden of the prison, after the warden's determination that--

(aa) the prisoner would not be a danger to society if transferred to prerelease custody or supervised release;

(bb) the prisoner has made a good faith effort to lower their recidivism risk through participation in recidivism reduction programs or productive activities; and

(cc) the prisoner is unlikely to recidivate; or

(ii) in the case of a prisoner being placed in supervised release, the prisoner has been determined under the System to be a minimum or low risk to recidivate pursuant to the last reassessment of the prisoner.

(2) Types of prerelease custody.--A prisoner shall be placed in prerelease custody as follows:

(A) Home confinement.--

(i) In general.--A prisoner placed in prerelease custody pursuant to this subsection who is placed in home confinement shall--

(I) be subject to 24-hour electronic monitoring that enables the prompt identification of the prisoner, location, and time, in the case of any violation of subclause (II);

(II) remain in the prisoner's residence, except that the prisoner may leave the prisoner's home in order to, subject to the approval of the Director of the Bureau of Prisons--

(aa) perform a job or job-related activities, including an apprenticeship, or participate in job-seeking activities;

(bb) participate in evidence-based recidivism reduction programming or productive activities assigned by the System, or similar activities;

(cc) perform community service;

(dd) participate in crime victim restoration activities;

(ee) receive medical treatment;

(ff) attend religious activities; or

(gg) participate in other family-related activities that facilitate the prisoner's successful reentry such as a family funeral, a family wedding, or to visit a family member who is seriously ill; and

(III) comply with such other conditions as the Director determines appropriate.

(ii) Alternate means of monitoring.--If the electronic monitoring of a prisoner described in clause (i)(I) is infeasible for technical or religious reasons, the Director of the Bureau of Prisons may use alternative means of monitoring a prisoner placed in home confinement that the Director determines are as effective or more effective than the electronic monitoring described in clause (i)(I).

(iii) Modifications.--The Director of the Bureau of Prisons may modify the conditions described in clause (i) if the Director determines that a compelling reason exists to do so, and that the prisoner has demonstrated exemplary compliance with such conditions.

(iv) Duration.--Except as provided in paragraph (4), a prisoner who is placed in home confinement shall remain in home confinement until the prisoner has served not less than 85 percent of the prisoner's imposed term of imprisonment.

(B) Residential reentry center.--A prisoner placed in prerelease custody pursuant to this subsection who is placed at a residential reentry center shall be subject to such conditions as the Director of the Bureau of Prisons determines appropriate.

(3) Supervised release.--If the sentencing court included as a part of the prisoner's sentence a requirement that the prisoner be placed on a term of supervised release after imprisonment pursuant to [section 3583](#), the Director of the Bureau of Prisons may transfer the prisoner to begin any such term of supervised release at an earlier date, not to exceed 12 months, based on the application of time credits under [section 3632](#).

(4) Determination of conditions.--In determining appropriate conditions for prisoners placed in prerelease custody pursuant to this subsection, the Director of the Bureau of Prisons shall, to the extent practicable, provide that increasingly less restrictive conditions shall be imposed on prisoners who demonstrate continued compliance with the conditions of such prerelease custody, so as to most effectively prepare such prisoners for reentry.

(5) Violations of conditions.--If a prisoner violates a condition of the prisoner's prerelease custody, the Director of the Bureau of Prisons may impose such additional conditions on the prisoner's prerelease custody as the Director of the Bureau of Prisons determines appropriate, or revoke the prisoner's prerelease custody and require the prisoner to serve the remainder of the term of imprisonment to which the prisoner was sentenced, or any portion thereof, in prison. If the violation is nontechnical in nature, the Director of the Bureau of Prisons shall revoke the prisoner's prerelease custody.

(6) Issuance of guidelines.--The Attorney General, in consultation with the Assistant Director for the Office of Probation and Pretrial Services, shall issue guidelines for use by the Bureau of Prisons in determining--

(A) the appropriate type of prerelease custody or supervised release and level of supervision for a prisoner placed on prerelease custody pursuant to this subsection; and

(B) consequences for a violation of a condition of such prerelease custody by such a prisoner, including a return to prison and a reassessment of evidence-based recidivism risk level under the System.

(7) Agreements with United States Probation and Pretrial Services.--The Director of the Bureau of Prisons shall, to the greatest extent practicable, enter into agreements with United States Probation and Pretrial Services to supervise prisoners placed in home confinement under this subsection. Such agreements shall--

(A) authorize United States Probation and Pretrial Services to exercise the authority granted to the Director pursuant to paragraphs (3) and (4); and

(B) take into account the resource requirements of United States Probation and Pretrial Services as a result of the transfer of Bureau of Prisons prisoners to prerelease custody or supervised release.

(8) Assistance.--United States Probation and Pretrial Services shall, to the greatest extent practicable, offer assistance to any prisoner not under its supervision during prerelease custody under this subsection.

(9) Mentoring, reentry, and spiritual services.--Any prerelease custody into which a prisoner is placed under this subsection may not include a condition prohibiting the prisoner from receiving mentoring, reentry, or spiritual services from a person who provided such services to the prisoner while the prisoner was incarcerated, except that the warden of the facility at which the prisoner was incarcerated may waive the requirement under this paragraph if the warden finds that the provision of such services would pose a significant security risk to the prisoner, persons who provide such services, or any other person. The warden shall provide written notice of any such waiver to the person providing such services and to the prisoner.

(10) Time limits inapplicable.--The time limits under subsections (b) and (c) shall not apply to prerelease custody under this subsection.

(11) Prerelease custody capacity.--The Director of the Bureau of Prisons shall ensure there is sufficient prerelease custody capacity to accommodate all eligible prisoners.

CREDIT(S)

(Added Pub.L. 98-473, Title II, § 212(a)(2), Oct. 12, 1984, 98 Stat. 2008; amended Pub.L. 99-646, §§ 16(a), 17(a), Nov. 10, 1986, 100 Stat. 3595; Pub.L. 101-647, Title XXIX, §§ 2902(a), 2904, Nov. 29, 1990, 104 Stat. 4913; Pub.L. 103-322, Title II, §§ 20405, 20412, Sept. 13, 1994, 108 Stat. 1825, 1828; Pub.L. 104-66, Title I, § 1091(c), Dec. 21, 1995, 109 Stat. 722; Pub.L. 104-134, Title I, § 101[(a)][Title VIII, § 809(c)], Apr. 26, 1996, 110 Stat. 1321-76; renumbered Title I, Pub.L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327; Pub.L. 110-177, Title V, § 505, Jan. 7, 2008, 121 Stat. 2542; Pub.L. 110-199, Title II, § 251(a), Apr. 9, 2008, 122 Stat. 692; Pub.L. 115-391, Title I, § 102(b)(1), Title V, § 504(c), Title VI, § 602, Dec. 21, 2018, 132 Stat. 5210, 5233, 5238.)

Footnotes

¹ So in original. Probably should be followed by a comma.

18 U.S.C.A. § 3624, 18 USCA § 3624

Current through P.L. 118-106. Some statute sections may be more current, see credits for details.

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Title 18. Crimes and Criminal Procedure (Refs & Annos)
Part II. Criminal Procedure
Chapter 229. Postsentence Administration (Refs & Annos)
Subchapter D. Risk and Needs Assessment System

18 U.S.C.A. § 3631

§ 3631. Duties of the Attorney General

Effective: December 21, 2018

[Currentness](#)

(a) In general.--The Attorney General shall carry out this subchapter in consultation with--

- (1) the Director of the Bureau of Prisons;
- (2) the Director of the Administrative Office of the United States Courts;
- (3) the Director of the Office of Probation and Pretrial Services;
- (4) the Director of the National Institute of Justice;
- (5) the Director of the National Institute of Corrections; and
- (6) the Independent Review Committee authorized by the First Step Act of 2018¹

(b) Duties.--The Attorney General shall--

- (1) conduct a review of the existing prisoner risk and needs assessment systems in operation on the date of enactment of this subchapter;
- (2) develop recommendations regarding evidence-based recidivism reduction programs and productive activities in accordance with [section 3633](#);
- (3) conduct ongoing research and data analysis on--
 - (A) evidence-based recidivism reduction programs relating to the use of prisoner risk and needs assessment tools;

- (B) the most effective and efficient uses of such programs;
 - (C) which evidence-based recidivism reduction programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism; and
 - (D) products purchased by Federal agencies that are manufactured overseas and could be manufactured by prisoners participating in a prison work program without reducing job opportunities for other workers in the United States;
- (4) on an annual basis, review, validate, and release publicly on the Department of Justice website the risk and needs assessment system, which review shall include--
- (A) any subsequent changes to the risk and needs assessment system made after the date of enactment of this subchapter;
 - (B) the recommendations developed under paragraph (2), using the research conducted under paragraph (3);
 - (C) an evaluation to ensure that the risk and needs assessment system bases the assessment of each prisoner's risk of recidivism on indicators of progress and of regression that are dynamic and that can reasonably be expected to change while in prison;
 - (D) statistical validation of any tools that the risk and needs assessment system uses; and
 - (E) an evaluation of the rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities among similarly classified prisoners of different demographic groups, in such rates;
- (5) make any revisions or updates to the risk and needs assessment system that the Attorney General determines appropriate pursuant to the review under paragraph (4), including updates to ensure that any disparities identified in paragraph (4)(E) are reduced to the greatest extent possible; and
- (6) report to Congress in accordance with [section 3634](#).

CREDIT(S)

(Added [Pub.L. 115-391, Title I, § 101\(a\)](#), Dec. 21, 2018, 132 Stat. 5195.)

Footnotes

1 So in original. Probably should be followed by a period.

18 U.S.C.A. § 3631, 18 USCA § 3631

Current through P.L. 118-106. Some statute sections may be more current, see credits for details.

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Proposed Legislation

United States Code Annotated

Title 18. Crimes and Criminal Procedure (Refs & Annos)

Part II. Criminal Procedure

Chapter 229. Postsentence Administration (Refs & Annos)

Subchapter D. Risk and Needs Assessment System

18 U.S.C.A. § 3632

§ 3632. Development of risk and needs assessment system

Effective: December 21, 2018

[Currentness](#)

(a) In general.--Not later than 210 days after the date of enactment of this subchapter, the Attorney General, in consultation with the Independent Review Committee authorized by the First Step Act of 2018, shall develop and release publicly on the Department of Justice website a risk and needs assessment system (referred to in this subchapter as the “System”), which shall be used to--

- (1)** determine the recidivism risk of each prisoner as part of the intake process, and classify each prisoner as having minimum, low, medium, or high risk for recidivism;
- (2)** assess and determine, to the extent practicable, the risk of violent or serious misconduct of each prisoner;
- (3)** determine the type and amount of evidence-based recidivism reduction programming that is appropriate for each prisoner and assign each prisoner to such programming accordingly, and based on the prisoner's specific criminogenic needs, and in accordance with subsection (b);
- (4)** reassess the recidivism risk of each prisoner periodically, based on factors including indicators of progress, and of regression, that are dynamic and that can reasonably be expected to change while in prison;
- (5)** reassign the prisoner to appropriate evidence-based recidivism reduction programs or productive activities based on the revised determination to ensure that--
 - (A)** all prisoners at each risk level have a meaningful opportunity to reduce their classification during the period of incarceration;
 - (B)** to address ¹ the specific criminogenic needs of the prisoner; and

(C) all prisoners are able to successfully participate in such programs;

(6) determine when to provide incentives and rewards for successful participation in evidence-based recidivism reduction programs or productive activities in accordance with subsection (e);

(7) determine when a prisoner is ready to transfer into prerelease custody or supervised release in accordance with [section 3624](#); and

(8) determine the appropriate use of audio technology for program course materials with an understanding of dyslexia.

In carrying out this subsection, the Attorney General may use existing risk and needs assessment tools, as appropriate.

(b) Assignment of evidence-based recidivism reduction programs.--The System shall provide guidance on the type, amount, and intensity of evidence-based recidivism reduction programming and productive activities that shall be assigned for each prisoner, including--

(1) programs in which the Bureau of Prisons shall assign the prisoner to participate, according to the prisoner's specific criminogenic needs; and

(2) information on the best ways that the Bureau of Prisons can tailor the programs to the specific criminogenic needs of each prisoner so as to most effectively lower each prisoner's risk of recidivism.

(c) Housing and assignment decisions.--The System shall provide guidance on program grouping and housing assignment determinations and, after accounting for the safety of each prisoner and other individuals at the prison, provide that prisoners with a similar risk level be grouped together in housing and assignment decisions to the extent practicable.

(d) Evidence-based recidivism reduction program incentives and productive activities rewards.--The System shall provide incentives and rewards for prisoners to participate in and complete evidence-based recidivism reduction programs as follows:

(1) Phone and visitation privileges.--A prisoner who is successfully participating in an evidence-based recidivism reduction program shall receive--

(A) phone privileges, or, if available, video conferencing privileges, for up to 30 minutes per day, and up to 510 minutes per month; and

(B) additional time for visitation at the prison, as determined by the warden of the prison.

(2) Transfer to institution closer to release residence.--A prisoner who is successfully participating in an evidence-based recidivism reduction program shall be considered by the Bureau of Prisons for placement in a facility closer to the prisoner's release residence upon request from the prisoner and subject to--

(A) bed availability at the transfer facility;

(B) the prisoner's security designation; and

(C) the recommendation from the warden of the prison at which the prisoner is incarcerated at the time of making the request.

(3) Additional policies.--The Director of the Bureau of Prisons shall develop additional policies to provide appropriate incentives for successful participation and completion of evidence-based recidivism reduction programming. The incentives shall include not less than 2 of the following:

(A) Increased commissary spending limits and product offerings.

(B) Extended opportunities to access the email system.

(C) Consideration of transfer to preferred housing units (including transfer to different prison facilities).

(D) Other incentives solicited from prisoners and determined appropriate by the Director.

(4) Time credits.--

(A) In general.--A prisoner, except for an ineligible prisoner under subparagraph (D), who successfully completes evidence-based recidivism reduction programming or productive activities, shall earn time credits as follows:

(i) A prisoner shall earn 10 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities.

(ii) A prisoner determined by the Bureau of Prisons to be at a minimum or low risk for recidivating, who, over 2 consecutive assessments, has not increased their risk of recidivism, shall earn an additional 5 days of time credits for every 30 days of successful participation in evidence-based recidivism reduction programming or productive activities.

(B) Availability.--A prisoner may not earn time credits under this paragraph for an evidence-based recidivism reduction program that the prisoner successfully completed--

(i) prior to the date of enactment of this subchapter; or

(ii) during official detention prior to the date that the prisoner's sentence commences under [section 3585\(a\)](#).

(C) Application of time credits toward prerelease custody or supervised release.--Time credits earned under this paragraph by prisoners who successfully participate in recidivism reduction programs or productive activities shall be applied toward time in prerelease custody or supervised release. The Director of the Bureau of Prisons shall transfer eligible prisoners, as determined under [section 3624\(g\)](#), into prerelease custody or supervised release.

(D) Ineligible prisoners.--A prisoner is ineligible to receive time credits under this paragraph if the prisoner is serving a sentence for a conviction under any of the following provisions of law:

- (i) [Section 32](#), relating to destruction of aircraft or aircraft facilities.
- (ii) [Section 33](#), relating to destruction of motor vehicles or motor vehicle facilities.
- (iii) [Section 36](#), relating to drive-by shootings.
- (iv) [Section 81](#), relating to arson within special maritime and territorial jurisdiction.
- (v) [Section 111\(b\)](#), relating to assaulting, resisting, or impeding certain officers or employees using a deadly or dangerous weapon or inflicting bodily injury.
- (vi) [Paragraph \(1\), \(7\), or \(8\) of section 113\(a\)](#), relating to assault with intent to commit murder, assault resulting in substantial bodily injury to a spouse or intimate partner, a dating partner, or an individual who has not attained the age of 16 years, or assault of a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate.
- (vii) [Section 115](#), relating to influencing, impeding, or retaliating against a Federal official by injuring a family member, except for a threat made in violation of that section.
- (viii) [Section 116](#), relating to female genital mutilation.
- (ix) [Section 117](#), relating to domestic assault by a habitual offender.
- (x) Any section of chapter 10, relating to biological weapons.
- (xi) Any section of chapter 11B, relating to chemical weapons.
- (xii) [Section 351](#), relating to Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault.

(xiii) [Section 521](#), relating to criminal street gangs.

(xiv) [Section 751](#), relating to prisoners in custody of an institution or officer.

(xv) [Section 793](#), relating to gathering, transmitting, or losing defense information.

(xvi) [Section 794](#), relating to gathering or delivering defense information to aid a foreign government.

(xvii) Any section of chapter 39, relating to explosives and other dangerous articles, except for [section 836](#) (relating to the transportation of fireworks into a State prohibiting sale or use).

(xviii) [Section 842\(p\)](#), relating to distribution of information relating to explosives, destructive devices, and weapons of mass destruction, but only if the conviction involved a weapon of mass destruction (as defined in [section 2332a\(c\)](#)).

(xix) [Subsection \(f\)\(3\), \(h\), or \(i\) of section 844](#), relating to the use of fire or an explosive.

(xx) [Section 871](#), relating to threats against the President and successors to the Presidency.

(xxi) [Section 879](#), relating to threats against former Presidents and certain other persons.

(xxii) [Section 924\(c\)](#), relating to unlawful possession or use of a firearm during and in relation to any crime of violence or drug trafficking crime.

(xxiii) [Section 1030\(a\)\(1\)](#), relating to fraud and related activity in connection with computers.

(xxiv) [Section 1091](#), relating to genocide.

(xxv) Any section of chapter 51, relating to homicide, except for [section 1112](#) (relating to manslaughter), 1113 (relating to attempt to commit murder or manslaughter, but only if the conviction was for an attempt to commit manslaughter), 1115 (relating to misconduct or neglect of ship officers), or 1122 (relating to protection against the human immunodeficiency virus).

(xxvi) Any section of chapter 55, relating to kidnapping.

(xxvii) Any offense under chapter 77, relating to peonage, slavery, and trafficking in persons, except for [sections 1593 through 1596](#).

(xxviii) [Section 1751](#), relating to Presidential and Presidential staff assassination, kidnapping, and assault.

(**xxix**) [Section 1791](#), relating to providing or possessing contraband in prison.

(**xxx**) [Section 1792](#), relating to mutiny and riots.

(**xxxi**) [Section 1841\(a\)\(2\)\(C\)](#), relating to intentionally killing or attempting to kill an unborn child.

(**xxxii**) [Section 1992](#), relating to terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.

(**xxxiii**) [Section 2113\(e\)](#), relating to bank robbery resulting in death.

(**xxxiv**) [Section 2118\(c\)](#), relating to robberies and burglaries involving controlled substances resulting in assault, putting in jeopardy the life of any person by the use of a dangerous weapon or device, or death.

(**xxxv**) [Section 2119](#), relating to taking a motor vehicle (commonly referred to as “carjacking”).

(**xxxvi**) Any section of chapter 105, relating to sabotage, except for [section 2152](#).

(**xxxvii**) Any section of chapter 109A, relating to sexual abuse.

(**xxxviii**) [Section 2250](#), relating to failure to register as a sex offender.

(**xxxix**) [Section 2251](#), relating to the sexual exploitation of children.

(**xl**) [Section 2251A](#), relating to the selling or buying of children.

(**xli**) [Section 2252](#), relating to certain activities relating to material involving the sexual exploitation of minors.

(**xlii**) [Section 2252A](#), relating to certain activities involving material constituting or containing child pornography.

(**xliii**) [Section 2260](#), relating to the production of sexually explicit depictions of a minor for importation into the United States.

(**xliv**) [Section 2283](#), relating to the transportation of explosive, biological, chemical, or radioactive or nuclear materials.

(**xlvi**) [Section 2284](#), relating to the transportation of terrorists.

(xlv) [Section 2291](#), relating to the destruction of a vessel or maritime facility, but only if the conduct that led to the conviction involved a substantial risk of death or serious bodily injury.

(xlvii) Any section of chapter 113B, relating to terrorism.

(xlviii) [Section 2340A](#), relating to torture.

(xlix) [Section 2381](#), relating to treason.

(l) [Section 2442](#), relating to the recruitment or use of child soldiers.

(li) An offense described in [section 3559\(c\)\(2\)\(F\)](#), for which the offender was sentenced to a term of imprisonment of more than 1 year, if the offender has a previous conviction, for which the offender served a term of imprisonment of more than 1 year, for a Federal or State offense, by whatever designation and wherever committed, consisting of murder (as described in [section 1111](#)), voluntary manslaughter (as described in [section 1112](#)), assault with intent to commit murder (as described in [section 113\(a\)](#)), aggravated sexual abuse and sexual abuse (as described in [sections 2241](#) and [2242](#)), abusive sexual contact (as described in [sections 2244\(a\)\(1\)](#) and [\(a\)\(2\)](#)), kidnapping (as described in chapter 55), carjacking (as described in [section 2119](#)), arson (as described in [section 844\(f\)\(3\)](#), [\(h\)](#), or [\(i\)](#)), or terrorism (as described in chapter 113B).

(lii) Section 57(b) of the Atomic Energy Act of 1954 ([42 U.S.C. 2077\(b\)](#)), relating to the engagement or participation in the development or production of special nuclear material.

(liii) Section 92 of the Atomic Energy Act of 1954 ([42 U.S.C. 2122](#)), relating to prohibitions governing atomic weapons.

(liv) Section 101 of the Atomic Energy Act of 1954 ([42 U.S.C. 2131](#)), relating to the atomic energy license requirement.

(lv) Section 224 or 225 of the Atomic Energy Act of 1954 ([42 U.S.C. 2274](#), [2275](#)), relating to the communication or receipt of restricted data.

(lvi) Section 236 of the Atomic Energy Act of 1954 ([42 U.S.C. 2284](#)), relating to the sabotage of nuclear facilities or fuel.

(lvii) [Section 60123\(b\) of title 49](#), relating to damaging or destroying a pipeline facility, but only if the conduct which led to the conviction involved a substantial risk of death or serious bodily injury.

(lviii) Section 401(a) of the Controlled Substances Act ([21 U.S.C. 841](#)), relating to manufacturing or distributing a controlled substance in the case of a conviction for an offense described in subparagraph (A), (B), or (C) of subsection (b)(1) of that section for which death or serious bodily injury resulted from the use of such substance.

(lix) Section 276(a) of the Immigration and Nationality Act (8 U.S.C. 1326), relating to the reentry of a removed alien, but only if the alien is described in paragraph (1) or (2) of subsection (b) of that section.

(lx) Section 277 of the Immigration and Nationality Act (8 U.S.C. 1327), relating to aiding or assisting certain aliens to enter the United States.

(lxi) Section 278 of the Immigration and Nationality Act (8 U.S.C. 1328), relating to the importation of an alien into the United States for an immoral purpose.

(lxii) Any section of the Export Administration Act of 1979 (50 U.S.C. 4611 et seq.)²

(lxiii) Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705).

(lxiv) Section 601 of the National Security Act of 1947 (50 U.S.C. 3121), relating to the protection of identities of certain United States undercover intelligence officers, agents, informants, and sources.

(lxv) Subparagraph (A)(i) or (B)(i) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(A) or (2)(A) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, dispense, or knowingly importing or exporting, a mixture or substance containing a detectable amount of heroin if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

(lxvi) Subparagraph (A)(vi) or (B)(vi) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(F) or (2)(F) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof.

(lxvii) Subparagraph (A)(viii) or (B)(viii) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(H) or (2)(H) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, or knowingly importing or exporting, a mixture of substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

(lxviii) Subparagraph (A) or (B) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1) or (2) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense, a controlled substance, or knowingly importing or exporting a controlled substance, if the sentencing court finds that--

(I) the offense involved a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, or any analogue thereof; and

(II) the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

(E) Deportable prisoners ineligible to apply time credits.--

(i) **In general.**--A prisoner is ineligible to apply time credits under subparagraph (C) if the prisoner is the subject of a final order of removal under any provision of the immigration laws (as such term is defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))).

(ii) **Proceedings.**--The Attorney General, in consultation with the Secretary of Homeland Security, shall ensure that any alien described in section 212 or 237 of the Immigration and Nationality Act (8 U.S.C. 1182, 1227) who seeks to earn time credits are subject to proceedings described in section 238(a) of that Act (8 U.S.C. 1228(a)) at a date as early as practicable during the prisoner's incarceration.

(5) Risk reassessments and level adjustment.--A prisoner who successfully participates in evidence-based recidivism reduction programming or productive activities shall receive periodic risk reassessments not less often than annually, and a prisoner determined to be at a medium or high risk of recidivating and who has less than 5 years until his or her projected release date shall receive more frequent risk reassessments. If the reassessment shows that the prisoner's risk of recidivating or specific needs have changed, the Bureau of Prisons shall update the determination of the prisoner's risk of recidivating or information regarding the prisoner's specific needs and reassign the prisoner to appropriate evidence-based recidivism reduction programming or productive activities based on such changes.

(6) Relation to other incentive programs.--The incentives described in this subsection shall be in addition to any other rewards or incentives for which a prisoner may be eligible.

(e) Penalties.--The Director of the Bureau of Prisons shall develop guidelines for the reduction of rewards and incentives earned under subsection (d) for prisoners who violate prison rules or evidence-based recidivism reduction program or productive activity rules, which shall provide--

(1) general levels of violations and resulting reductions;

(2) that any reduction that includes the loss of time credits shall require written notice to the prisoner, shall be limited to time credits that a prisoner earned as of the date of the prisoner's rule violation, and shall not include any future time credits that the prisoner may earn; and

(3) for a procedure to restore time credits that a prisoner lost as a result of a rule violation, based on the prisoner's individual progress after the date of the rule violation.

(f) Bureau of Prisons training.--The Attorney General shall develop and implement training programs for Bureau of Prisons officers and employees responsible for administering the System, which shall include--

- (1) initial training to educate officers and employees on how to use the System in an appropriate and consistent manner, as well as the reasons for using the System;
- (2) continuing education;
- (3) periodic training updates; and
- (4) a requirement that such officers and employees demonstrate competence in administering the System, including interrater reliability, on a biannual basis.

(g) Quality assurance.--In order to ensure that the Bureau of Prisons is using the System in an appropriate and consistent manner, the Attorney General shall monitor and assess the use of the System, which shall include conducting annual audits of the Bureau of Prisons regarding the use of the System.

(h) Dyslexia screening.--

(1) Screening.--The Attorney General shall incorporate a dyslexia screening program into the System, including by screening for dyslexia during--

(A) the intake process; and

(B) each periodic risk reassessment of a prisoner.

(2) Treatment.--The Attorney General shall incorporate programs designed to treat dyslexia into the evidence-based recidivism reduction programs or productive activities required to be implemented under this section. The Attorney General may also incorporate programs designed to treat other learning disabilities.

CREDIT(S)

(Added [Pub.L. 115-391, Title I, § 101\(a\)](#), Dec. 21, 2018, 132 Stat. 5196.)

Footnotes

1 So in original.

2 So in original. Probably should be followed by a period.

18 U.S.C.A. § 3632, 18 USCA § 3632

Current through P.L. 118-106. Some statute sections may be more current, see credits for details.

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United States Code Annotated
Title 18. Crimes and Criminal Procedure (Refs & Annos)
Part II. Criminal Procedure
Chapter 229. Postsentence Administration (Refs & Annos)
Subchapter D. Risk and Needs Assessment System

18 U.S.C.A. § 3633

§ 3633. Evidence-based recidivism reduction program and recommendations

Effective: December 21, 2018

[Currentness](#)

(a) In general.--Prior to releasing the System, in consultation with the Independent Review Committee authorized by the First Step Act of 2018, the Attorney General shall--

- (1)** review the effectiveness of evidence-based recidivism reduction programs that exist as of the date of enactment of this subchapter in prisons operated by the Bureau of Prisons;
- (2)** review available information regarding the effectiveness of evidence-based recidivism reduction programs and productive activities that exist in State-operated prisons throughout the United States;
- (3)** identify the most effective evidence-based recidivism reduction programs;
- (4)** review the policies for entering into evidence-based recidivism reduction partnerships described in [section 3621\(h\)\(5\)](#); and
- (5)** direct the Bureau of Prisons regarding--
 - (A)** evidence-based recidivism reduction programs;
 - (B)** the ability for faith-based organizations to function as a provider of educational evidence-based programs outside of the religious classes and services provided through the Chaplaincy; and
 - (C)** the addition of any new effective evidence-based recidivism reduction programs that the Attorney General finds.

(b) Review and recommendations regarding dyslexia mitigation.--In carrying out subsection (a), the Attorney General shall consider the prevalence and mitigation of dyslexia in prisons, including by--

- (1)** reviewing statistics on the prevalence of dyslexia, and the effectiveness of any programs implemented to mitigate the effects of dyslexia, in prisons operated by the Bureau of Prisons and State-operated prisons throughout the United States; and

(2) incorporating the findings of the Attorney General under paragraph (1) of this subsection into any directives given to the Bureau of Prisons under paragraph (5) of subsection (a).

CREDIT(S)

(Added [Pub.L. 115-391, Title I, § 101\(a\)](#), Dec. 21, 2018, 132 Stat. 5204.)

18 U.S.C.A. § 3633, 18 USCA § 3633

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Title 18. Crimes and Criminal Procedure (Refs & Annos)

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Chapter 229. Postsentence Administration (Refs & Annos)

Subchapter D. Risk and Needs Assessment System

18 U.S.C.A. § 3634

§ 3634. Report

Effective: December 21, 2018

[Currentness](#)

Beginning on the date that is 2 years after the date of enactment of this subchapter, and annually thereafter for a period of 5 years, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives and the Subcommittees on Commerce, Justice, Science, and Related Agencies of the Committees on Appropriations of the Senate and the House of Representatives that contains the following:

- (1) A summary of the activities and accomplishments of the Attorney General in carrying out this Act.
- (2) A summary and assessment of the types and effectiveness of the evidence-based recidivism reduction programs and productive activities in prisons operated by the Bureau of Prisons, including--
 - (A) evidence about which programs have been shown to reduce recidivism;
 - (B) the capacity of each program and activity at each prison, including the number of prisoners along with the recidivism risk of each prisoner enrolled in each program; and
 - (C) identification of any gaps or shortages in capacity of such programs and activities.
- (3) Rates of recidivism among individuals who have been released from Federal prison, based on the following criteria:
 - (A) The primary offense of conviction.
 - (B) The length of the sentence imposed and served.
 - (C) The Bureau of Prisons facility or facilities in which the prisoner's sentence was served.
 - (D) The evidence-based recidivism reduction programming that the prisoner successfully completed, if any.

(E) The prisoner's assessed and reassessed risk of recidivism.

(F) The productive activities that the prisoner successfully completed, if any.

(4) The status of prison work programs at facilities operated by the Bureau of Prisons, including--

(A) a strategy to expand the availability of such programs without reducing job opportunities for workers in the United States who are not in the custody of the Bureau of Prisons, including the feasibility of prisoners manufacturing products purchased by Federal agencies that are manufactured overseas;

(B) an assessment of the feasibility of expanding such programs, consistent with the strategy required under subparagraph (A), with the goal that 5 years after the date of enactment of this subchapter, not less than 75 percent of eligible minimum- and low-risk offenders have the opportunity to participate in a prison work program for not less than 20 hours per week; and

(C) a detailed discussion of legal authorities that would be useful or necessary to achieve the goals described in subparagraphs (A) and (B).

(5) An assessment of the Bureau of Prisons' compliance with [section 3621\(h\)](#).

(6) An assessment of progress made toward carrying out the purposes of this subchapter, including any savings associated with--

(A) the transfer of prisoners into prerelease custody or supervised release under [section 3624\(g\)](#), including savings resulting from the avoidance or deferral of future construction, acquisition, and operations costs; and

(B) any decrease in recidivism that may be attributed to the System or the increase in evidence-based recidivism reduction programs required under this subchapter.

(7) An assessment of budgetary savings resulting from this subchapter, including--

(A) a summary of the amount of savings resulting from the transfer of prisoners into prerelease custody under this chapter, including savings resulting from the avoidance or deferral of future construction, acquisition, or operations costs;

(B) a summary of the amount of savings resulting from any decrease in recidivism that may be attributed to the implementation of the risk and needs assessment system or the increase in recidivism reduction programs and productive activities required by this subchapter;

(C) a strategy to reinvest the savings described in subparagraphs (A) and (B) in other--

(i) Federal, State, and local law enforcement activities; and

(ii) expansions of recidivism reduction programs and productive activities in the Bureau of Prisons; and

(D) a description of how the reduced expenditures on Federal corrections and the budgetary savings resulting from this subchapter are currently being used and will be used to--

(i) increase investment in law enforcement and crime prevention to combat gangs of national significance and high-level drug traffickers through the High Intensity Drug Trafficking Areas Program and other task forces;

(ii) hire, train, and equip law enforcement officers and prosecutors; and

(iii) promote crime reduction programs using evidence-based practices and strategic planning to help reduce crime and criminal recidivism.

(8) Statistics on--

(A) the prevalence of dyslexia among prisoners in prisons operated by the Bureau of Prisons; and

(B) any change in the effectiveness of dyslexia mitigation programs among such prisoners that may be attributed to the incorporation of dyslexia screening into the System and of dyslexia treatment into the evidence-based recidivism reduction programs, as required under this chapter.

CREDIT(S)

(Added [Pub.L. 115-391, Title I, § 101\(a\)](#), Dec. 21, 2018, 132 Stat. 5205.)

18 U.S.C.A. § 3634, 18 USCA § 3634

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Proposed Legislation

United States Code Annotated

Title 18. Crimes and Criminal Procedure (Refs & Annos)

Part II. Criminal Procedure

Chapter 229. Postsentence Administration (Refs & Annos)

Subchapter D. Risk and Needs Assessment System

18 U.S.C.A. § 3635

§ 3635. Definitions

Effective: December 21, 2018

[Currentness](#)

In this subchapter the following definitions apply:

(1) Dyslexia.--The term “dyslexia” means an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in the phonological processing (the appreciation of the individual sounds of spoken language), which affects the ability of an individual to speak, read, and spell.

(2) Dyslexia screening program.--The term “dyslexia screening program” means a screening program for dyslexia that is--

(A) evidence-based (as defined in section 8101(21) of the Elementary and Secondary Education Act of 1965 ([20 U.S.C. 7801\(21\)](#))) with proven psychometrics for validity;

(B) efficient and low-cost; and

(C) readily available.

(3) Evidence-based recidivism reduction program.--The term “evidence-based recidivism reduction program” means either a group or individual activity that--

(A) has been shown by empirical evidence to reduce recidivism or is based on research indicating that it is likely to be effective in reducing recidivism;

(B) is designed to help prisoners succeed in their communities upon release from prison; and

(C) may include--

- (i) social learning and communication, interpersonal, anti-bullying, rejection response, and other life skills;
- (ii) family relationship building, structured parent-child interaction, and parenting skills;
- (iii) classes on morals or ethics;
- (iv) academic classes;
- (v) cognitive behavioral treatment;
- (vi) mentoring;
- (vii) substance abuse treatment;
- (viii) vocational training;
- (ix) faith-based classes or services;
- (x) civic engagement and reintegrative community services;
- (xi) a prison job, including through a prison work program;
- (xii) victim impact classes or other restorative justice programs; and
- (xiii) trauma counseling and trauma-informed support programs.

(4) Prisoner.--The term “prisoner” means a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons.

(5) Productive activity.--The term “productive activity” means either a group or individual activity that is designed to allow prisoners determined as having a minimum or low risk of recidivating to remain productive and thereby maintain a minimum or low risk of recidivating, and may include the delivery of the programs described in paragraph (1) ¹ to other prisoners.

(6) Risk and needs assessment tool.--The term “risk and needs assessment tool” means an objective and statistically validated method through which information is collected and evaluated to determine--

- (A) as part of the intake process, the risk that a prisoner will recidivate upon release from prison;

(B) the recidivism reduction programs that will best minimize the risk that the prisoner will recidivate upon release from prison; and

(C) the periodic reassessment of risk that a prisoner will recidivate upon release from prison, based on factors including indicators of progress and of regression, that are dynamic and that can reasonably be expected to change while in prison.

CREDIT(S)

(Added [Pub.L. 115-391, Title I, § 101\(a\)](#), Dec. 21, 2018, 132 Stat. 5207.)

Footnotes

¹ So in original. Probably should be “paragraph (3)”.

18 U.S.C.A. § 3635, 18 USCA § 3635

Current through P.L. 118-106. Some statute sections may be more current, see credits for details.

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