

S 756

First Step Act of 2018

Congress: 115 (2017–2019, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Mar 29, 2017

Current Status: Became Public Law No: 115-391.

Latest Action: Became Public Law No: 115-391. (Dec 21, 2018)

Law: 115-391 (Enacted Dec 21, 2018)

Official Text: <https://www.congress.gov/bill/115th-congress/senate-bill/756>

Sponsor

Name: Sen. Sullivan, Dan [R-AK]

Party: Republican • **State:** AK • **Chamber:** Senate

Cosponsors (21 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Booker, Cory A. [D-NJ]	D · NJ		Mar 29, 2017
Sen. Coons, Christopher A. [D-DE]	D · DE		Mar 29, 2017
Sen. Inhofe, James M. [R-OK]	R · OK		Mar 29, 2017
Sen. Murkowski, Lisa [R-AK]	R · AK		Mar 29, 2017
Sen. Peters, Gary C. [D-MI]	D · MI		Mar 29, 2017
Sen. Tillis, Thomas [R-NC]	R · NC		Mar 29, 2017
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Mar 29, 2017
Sen. Cassidy, Bill [R-LA]	R · LA		May 24, 2017
Sen. Collins, Susan M. [R-ME]	R · ME		May 24, 2017
Sen. Kennedy, John [R-LA]	R · LA		May 24, 2017
Sen. King, Angus S., Jr. [I-ME]	I · ME		May 24, 2017
Sen. Schatz, Brian [D-HI]	D · HI		May 24, 2017
Sen. Udall, Tom [D-NM]	D · NM		May 24, 2017
Sen. Wyden, Ron [D-OR]	D · OR		May 24, 2017
Sen. Markey, Edward J. [D-MA]	D · MA		Jul 11, 2017
Sen. Portman, Rob [R-OH]	R · OH		Jul 11, 2017
Sen. Van Hollen, Chris [D-MD]	D · MD		Jul 11, 2017
Sen. Warren, Elizabeth [D-MA]	D · MA		Jul 11, 2017
Sen. Murphy, Christopher [D-CT]	D · CT		Aug 3, 2017
Sen. Rubio, Marco [R-FL]	R · FL		Aug 3, 2017
Sen. Shaheen, Jeanne [D-NH]	D · NH		Aug 3, 2017

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Jul 24, 2017
Natural Resources Committee	House	Referred to	Aug 8, 2017
Transportation and Infrastructure Committee	House	Discharged from	Jun 27, 2018

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
115 S 3747	Related bill	Dec 13, 2018: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 731.
115 S 3649	Related bill	Nov 26, 2018: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 674.
115 S 3635	Related bill	Nov 15, 2018: Read twice and referred to the Committee on the Judiciary.
115 HR 6175	Related bill	Nov 13, 2018: Placed on the Union Calendar, Calendar No. 798.
115 HR 6206	Related bill	Nov 13, 2018: Placed on the Union Calendar, Calendar No. 799.
115 S 3508	Related bill	Oct 11, 2018: Became Public Law No: 115-265.
115 HR 2899	Related bill	Sep 13, 2018: Committee Consideration and Mark-up Session Held.
115 S 2795	Related bill	May 7, 2018: Read twice and referred to the Committee on the Judiciary. (Sponsor introductory remarks on measure: CR 5/9/2018 S2580-2581; text of measure as introduced: CR S2518-2527)
115 S 2471	Related bill	Feb 28, 2018: Read twice and referred to the Committee on the Judiciary.
115 HR 2748	Identical bill	Jun 12, 2017: Referred to the Subcommittee on Water, Power and Oceans.

First Step Act of 2018

TITLE I--RECIDIVISM REDUCTION

(Sec. 101) This bill directs the Department of Justice (DOJ) to establish a risk and needs assessment system to evaluate the recidivism risk of prisoners; to guide housing, grouping, and program assignments; and to incentivize and reward participation in and completion of recidivism reduction programs and productive activities.

(Sec. 102) The Bureau of Prisons (BOP) must implement the risk and needs assessment system at its facilities.

The bill modifies the computation of good time credit to allow a prisoner to earn a maximum of 54 days per year of the sentence imposed (instead of 54 days per year of the sentence actually served).

(Sec. 103) The Government Accountability Office must audit the use of the risk and needs assessment system at BOP facilities.

(Sec. 104) The bill authorizes funds for FY2019-FY2023 to establish and implement the risk and needs assessment system. Of the amount appropriated, 80% is reserved for use by the BOP for implementation.

(Sec. 105) The bill does not authorize prerelease custody or supervised release for an individual serving a prison term for a state offense.

(Sec. 106) It prohibits discrimination against a program, treatment, regimen, group, company, charity, person, or entity based on the fact that it may be or is faith-based.

(Sec. 107) The bill establishes the Independent Review Committee to help DOJ:

- review existing prisoner risk and needs assessment systems,
- develop recommendations regarding rehabilitative programs and productive activities,
- research and analyze the effectiveness of such programs, and
- review and validate the system.

TITLE II--BUREAU OF PRISONS SECURE FIREARMS STORAGE

Lieutenant Osvaldo Albarati Correctional Officer Self-Protection Act of 2018

(Sec. 202) The BOP must allow federal correctional officers to securely store and carry concealed firearms on BOP premises outside the security perimeter of a prison.

TITLE III--RESTRAINTS ON PREGNANT PRISONERS PROHIBITED

(Sec. 301) The bill limits the use of restraints on federal prisoners who are pregnant or in postpartum recovery.

TITLE IV--SENTENCING REFORM

(Sec. 401) This bill reduces, and restricts the application of, the enhanced mandatory minimum prison terms for certain repeat drug offenses involving high-level drug quantities (e.g., one kilogram or more of heroin).

Specifically, it reduces the mandatory minimum sentence:

- from 20 to 15 years for a high-level offense after one prior conviction, and
- from life to 25 years for a high-level offense after two or more prior convictions.

Additionally, the mandatory minimum penalty applies if the prior convictions are for a serious drug felony or serious violent felony (currently, a felony drug offense).

(Sec. 402) It broadens eligibility for the existing safety valve exception. Courts may impose a sentence below the mandatory minimum for certain nonviolent, cooperative drug defendants with a limited criminal history.

(Sec. 403) The bill reduces from 25 to 15 years the enhanced mandatory minimum prison term for a defendant who uses a firearm in a crime of violence or drug offense after a prior conviction for such offense.

(Sec. 404) It makes the Fair Sentencing Act of 2010 retroactive. A convicted crack cocaine offender sentenced before August 3, 2010, may petition federal court for resentencing.

TITLE V--SECOND CHANCE ACT OF 2007 REAUTHORIZATION

Second Chance Reauthorization Act of 2018

(Sec. 502) This bill amends the Omnibus Crime Control and Safe Streets Act of 1968:

- to revise and reauthorize grant programs for offender reentry demonstration projects; family-based substance abuse treatment; and evaluating and improving educational methods at prisons, jails, and juvenile facilities; and
- to repeal grant programs for offender reentry courts and drug treatment alternatives to incarceration.

Additionally, the legislation amends the Second Chance Act of 2007:

- to rename, revise, and reauthorize grant programs for technology career training demonstration projects and reentry mentoring services;
- to reauthorize offender reentry research and the grant program for offender reentry substance abuse and criminal justice collaboration;
- to reauthorize and modify eligibility for an elderly offender early release pilot program; and
- to repeal grant programs for the responsible reintegration of offenders and the study of Depot Naltrexone to treat heroin addiction.

It amends the federal criminal code to establish partnerships between prisons and faith- or community-based nonprofit organizations to conduct activities to reduce recidivism.

(Sec. 503) The DOJ Office of Inspector General must conduct annual audits of selected grant recipients to prevent waste, fraud, and abuse of funds. The bill subjects grants to accountability provisions and limits the use of grants for conferences that use more than \$20,000 in DOJ funds.

DOJ, in collaboration with interested persons, providers, and organizations, and state, local, and tribal governments, must coordinate and report to Congress on federal reentry programs, policies, and practices.

Finally, the National Institute of Justice must evaluate the effectiveness of grants for offender reentry and recidivism reduction programs.

TITLE VI--MISCELLANEOUS CRIMINAL JUSTICE

(Sec. 601) The bill amends the federal criminal code:

- to direct the BOP to place a prisoner in a facility that is not more than 500 driving miles away from the prisoner's primary residence, subject to bed availability and the prisoner's security designation; and
- to specify that the designation of a prison placement is not reviewable by a court.

(Sec. 602) The BOP must place low-risk prisoners on home confinement for the maximum amount of time permitted.

(Sec. 603) The bill reauthorizes through FY2022 and modifies eligibility for an elderly offender early release pilot program.

(Sec. 604) The BOP must, as part of prerelease planning procedures, help a prisoner obtain identification, including a Social Security card, driver's license or other official photo identification, and a birth certificate.

(Sec. 605) The bill authorizes Federal Prison Industries to sell products to new markets such as the District of Columbia government and nonprofit organizations.

(Sec. 606) The BOP must incorporate specialized and comprehensive de-escalation procedures into its training programs.

(Sec. 607) The BOP must report on its capacity to treat heroin and opioid abuse through evidence-based programs, including medication-assisted treatment.

The Administrative Office of the U.S. Courts must report on the capacity of treatment-service providers to provide medication-assisted treatment for opioid and heroin abuse to prisoners serving a term of supervised release, including plans to expand access.

(Sec. 608) The BOP must establish pilot programs: (1) on youth mentorship; and (2) on service to abandoned, rescued, or vulnerable animals.

(Sec. 609) Probation and pretrial services officers must perform court-directed supervision of sex offenders conditionally released from civil commitment.

(Sec. 610) The bill expands data collection requirements regarding the National Prisoner Statistics Program.

(Sec. 611) The BOP must make tampons and sanitary napkins available free of charge.

(Sec. 612) The bill requires at least 8% of funds for the Justice and Mental Health Collaboration Program to be used to provide technical assistance.

(Sec. 613) The bill prohibits juvenile solitary confinement, except as a temporary response to behavior that poses a serious and immediate risk of harm.

Actions Timeline

- **Dec 21, 2018:** Signed by President.
- **Dec 21, 2018:** Became Public Law No: 115-391.
- **Dec 20, 2018:** Mr. Goodlatte moved that the House suspend the rules and agree to the Senate amendment to the House amendment. (consideration: CR H10346-10366)
- **Dec 20, 2018:** DEBATE - The House proceeded with forty minutes of debate on the motion to suspend the rules and agree to the Senate amendment to the House amendment to S. 756.
- **Dec 20, 2018:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the chair announced that further proceedings on the motion would be postponed.
- **Dec 20, 2018:** Resolving differences -- House actions: On motion that the House suspend the rules and agree to the Senate amendment to the House amendment Agreed to by the Yeas and Nays (2/3 required): 358 - 36 (Roll No. 448). (consideration: CR H10431; text: CR H10346-10360)
- **Dec 20, 2018:** On motion that the House suspend the rules and agree to the Senate amendment to the House amendment Agreed to by the Yeas and Nays (2/3 required): 358 - 36 (Roll No. 448). (consideration: CR H10431; text: CR H10346-10360)
- **Dec 20, 2018:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 20, 2018:** Presented to President.
- **Dec 19, 2018:** Message on Senate action sent to the House.
- **Dec 18, 2018:** Considered by Senate (Message from the House considered). (consideration: CR S7740-7745, S7746-7752, S7753-7781)
- **Dec 18, 2018:** Resolving differences -- Senate actions: Senate concurred in the House amendment to S. 756 with an amendment (SA 4108) by Yea-Nay Vote. 87 - 12. Record Vote Number: 271.
- **Dec 18, 2018:** Senate concurred in the House amendment to S. 756 with an amendment (SA 4108) by Yea-Nay Vote. 87 - 12. Record Vote Number: 271.
- **Dec 17, 2018:** Considered by Senate (Message from the House considered). (consideration: CR S7639)
- **Dec 17, 2018:** Cloture on the motion to concur in the House amendment to S. 756 with an amendment (SA 4108) invoked in Senate by Yea-Nay Vote. 82 - 12. Record Vote Number: 267. (text: CR S7650)
- **Dec 13, 2018:** Measure laid before Senate by unanimous consent.
- **Dec 13, 2018:** Motion by Senator McConnell to concur in the House amendment to S. 756 with an amendment (SA 4108) made in Senate.
- **Dec 13, 2018:** Cloture motion on the motion to concur in the House amendment to S. 756 with an amendment (SA 4108) presented in Senate. (text: CR 7567)
- **Jul 26, 2018:** Message on House action received in Senate and at desk: House amendment to Senate bill.
- **Jul 25, 2018:** Mr. Young (AK) moved to suspend the rules and pass the bill, as amended.
- **Jul 25, 2018:** Considered under suspension of the rules. (consideration: CR H7640-7645)
- **Jul 25, 2018:** DEBATE - The House proceeded with forty minutes of debate on S. 756.
- **Jul 25, 2018:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H7640-7642)
- **Jul 25, 2018:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H7640-7642)
- **Jul 25, 2018:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 27, 2018:** Subcommittee on Coast Guard and Maritime Transportation Discharged.
- **Jun 27, 2018:** Committee Consideration and Mark-up Session Held.
- **Jun 27, 2018:** Ordered to be Reported (Amended) by Voice Vote.
- **Aug 8, 2017:** Referred to the Subcommittee on Water, Power and Oceans.
- **Aug 7, 2017:** Referred to the Subcommittee on Coast Guard and Maritime Transportation.
- **Aug 4, 2017:** Message on Senate action sent to the House.
- **Aug 4, 2017:** Received in the House.
- **Aug 4, 2017:** Referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Aug 3, 2017:** Measure laid before Senate by unanimous consent. (consideration: CR S4895)

Aug 3, 2017: Passed/agreed to in Senate: Passed Senate with amendments by Unanimous Consent.

- **Aug 3, 2017:** Passed Senate with amendments by Unanimous Consent.
- **Jul 24, 2017:** Committee on Commerce, Science, and Transportation. Reported by Senator Thune without amendment. With written report No. 115-135.
- **Jul 24, 2017:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 181.
- **Apr 5, 2017:** Committee on Commerce, Science, and Transportation. Ordered to be reported without amendment favorably.
- **Mar 29, 2017:** Introduced in Senate
- **Mar 29, 2017:** Read twice and referred to the Committee on Commerce, Science, and Transportation.