



**U.S. Department of Justice
Federal Bureau of Prisons**

Office of General Counsel

Washington, D.C. 20534

December 31, 2018

MEMORANDUM FOR ALL WARDENS

A handwritten signature in blue ink, appearing to read "Ken Hyle", is positioned above the "FROM:" line.

FROM: KEN HYLE, ASSISTANT DIRECTOR/GENERAL COUNSEL

SUBJECT: FIRST STEP ACT

On Friday December 21, 2018, the President signed into law new criminal justice legislation called the "FIRST STEP Act". This law is complex and requires the BOP to implement a number of changes including in how we calculate sentences, in compassionate release procedures and in programming and risk assessment in general. As an overall matter, it also seeks to increase the number of offenders referred to RRCs and/or home confinement.

Because the law has multiple provisions affecting multiple program areas, the agency is analyzing all the changes required but taking careful note of which changes are effective immediately and which changes require additional action. Additional guidance on specific provisions will be provided. DOJ is also reviewing the legislation as it affects prosecutions and sentencing for certain offenders.

We know that inmates and their families are particularly interested in the changes regarding good conduct time. However, this provision is not effective at this time. The law will allow the BOP to apply 54 days of credit for every year a sentence was imposed. This is a change from the prior law that required BOP to apply credit only after the inmate had earned it, and required BOP to pro rate credit for the last year of service.

While this change may result in additional credit for inmates, it is not effective immediately nor is it applicable to all inmates. Specifically, Section 102 (b) (2) states:

"EFFECTIVE DATE.—The amendments made by this subsection shall take effect beginning on the date that the Attorney General completes and releases the risk and needs assessment system under subchapter D of chapter 229 of title 18, United States Code, as added by section 101(a) of this Act."

Likewise, Section 102 (b) (3) restricts the effect of the change in credit to *"offenses committed before, on, or after the date of enactment of this Act, except that such amendments shall not apply with respect to offenses committed before November 1, 1987."*

Although this revision is not in effect at this time, the BOP is currently preparing to issue new sentence computations when the risk and needs assessment system is issued.

We have provided talking points for you to share with your staff when questions arise. If you have any questions related to the legal effect of certain provisions, feel free to have your staff contact legal staff at the Designation and Sentencing Computation Center or the Office of General Counsel during the furlough period, and their respective Regional Counsel afterwards. Thank you for your cooperation in this matter.