

## Five Major Differences Between House-passed First Step Act and Final Bill

There's a reason that the ACLU, Cory Booker, and Dick Durbin all opposed the House-passed version but support the final version, and why **every** Senate Democrat voted for it. This is a **far more liberal** bill that conservatives should oppose.

1. **Prisoners can now use credits to transfer into supervised release.** The House bill had an important safeguard by limiting the use of credits to "prerelease custody". The Senate bill allows "supervised release" – which is early release without safeguards. The "ineligible prisoners" list is much more important in the Senate Bill because of this change, yet the list is still missing 18 U.S.C. § 2422 – coercing a child into sexual activity, along with dozens of other violent crimes. This means child molesters and thousands of violent felons will be eligible for "supervised release" in the final bill.

### House bill

"(C) APPLICATION OF TIME CREDITS TOWARD PRERELEASE CUSTODY.—Time credits

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earned under this paragraph by prisoners who successfully participate in recidivism reduction programs or productive activities and who have been determined to be at minimum risk or low risk for recidivating pursuant to their last two reassessments shall be applied toward time in pre-release custody. The Director of the Bureau

### New Senate bill

"(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 pre-release custody or supervised release. The

2. **Senate bill added Cory Booker's juvenile justice language which applies a mandate on state and local jails.** According to the Department of Justice, the juvenile justice language means that a state and local jail holding a federally-charged juvenile will be liable to comply with this section, which is a lawsuit risk and the primary concern of some of the law enforcement groups that oppose this bill.
3. **Senate bill reduces the penalty for repeat fentanyl traffickers by cutting the § 841(b) mandatory minimums for repeat offenders trafficking the highest quantities of drugs**
4. **Senate bill expands the "safety valve" to allow liberal judges to ignore the criminal record of more felons. Currently, only defendants who have 1 criminal history point can qualify. This raises the cap to 4 points and does not count 1-point offenses towards the total**
5. **Senate bill reduces the penalty for violent gun felons under 924(c)**

Many major law enforcement groups strongly **oppose** this bill, including the National Sheriffs Association, the Major County Sheriffs Association, the Major City Chiefs Association, the Federal Law Enforcement Officers Association, the National Association of Police Organizations, the National Narcotics Officers Association, and more.