

December 24, 2018

## THE FIRST STEP ACT: AN EXPLAINER

By Jeremy Gordon

The FIRST STEP Act was approved by the Senate Tuesday with a vote of 87-12. It was approved by the House of Representatives with a vote of 358-36. On Friday President Trump signed the FIRST STEP Act into law.

The FIRST STEP Act makes changes to the way that “good time” is assessed by the Bureau of Prisons, retroactively applies the Fair Sentencing Act of 2010, Reauthorizes the Second Chance Act, allows inmates to petition the court for compassionate release, bans the shackling of women during child birth, adds “sunlight” provisions to parts of these bills and several other things. This explainer will discuss a majority of portions of the Act.

To be clear, we would have liked for the FIRST STEP Act to do more, especially for current inmates. Many portions of the FIRST STEP Act are not retroactive and as such do nothing for you all inside. It is my hope that like the Fair Sentencing Act, portions of the FIRST STEP Act that have not been deemed retroactive will be so in the future.

### TITLE ONE: RECIDIVISM REDUCTION

#### Section 101 and 102: RISK ASSESSMENT AND NEEDS SYSTEM AND TIME CREDITS

Within 210 days the Attorney General must develop and publicly release a risk and needs assessment system. That system must determine the recidivism rate of each prisoner, classify their risk of recidivism, determine the risk of violent misconduct of the prisoner, and determine what type and amount of evidence-based recidivism reduction programming that is appropriate and assign that amount of programing to the prisoner.

This risk must be reassessed periodically and afterwards the inmate must be reassigned to the proper programs for their amended risk level. There are rewards for participating in these programs including phone and video conference privileges up to 30 minutes a day and 510 minutes per month, more visitation time if the warden approves and moving to a facility closer to home. Other incentives such as more e-mail time and transfer to and commissary spending limits are up to the warden.

Also, for every 30 days of participation in the programs or “productive activities” they can earn 10 days of time credits. And an inmate with either a minimum or low risk of recidivism can earn an additional 5 days of time credits for every 30 days of successful participation in these programs if they are minimum or low risk of recidivism. This is not retroactive and does not apply to time in detention prior to their sentence (so time in a county jail or in an MDC prior to sentencing).



Jeremy Gordon  
Attorney at Law

P.O.BOX 2275  
Mansfield, Texas 76063

1848 Lone Star Road  
Suite 106  
Mansfield, Texas 76063

Tel: 972-483-4865  
Fax: 972-584-9230

[www.gordondefense.com](http://www.gordondefense.com)

### **Attorneys**

Jeremy Gordon, Esq.  
Admitted in Texas

Brandon Sample, Esq.  
Of Counsel  
Admitted in Vermont

### **Staff**

David Boyer  
Law Firm Administrator

Edward Griffin  
Administrative Assistant

Susana Lewis  
Paralegal

These time credits shall be applied toward time in prerelease custody (Halfway house or home confinement). The time credits gained as part of the risk and needs assessment system classes can be “cashed in” at the end of a sentence if the amount of credits is equal to the amount of time that an inmate has left.

#### SUPERVISED RELEASE CHANGES:

The Act indicates that “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.”

#### CERTAIN INMATES INELIGIBLE FOR TIME CREDITS

These time credits don’t apply to the following crimes under the following sections:

“(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.
- “(xlv) Section 2284, relating to the transportation of terrorists.
- “(xlvi) 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.)

“(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) 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-phenylN-[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.

Also, deportable individuals are ineligible to receive time credits.

The first risk and needs assessment is due no later than 180 days from the completion of the risk and needs assessment system (so now we are looking at 390 days out for this program to start). The BOP will have a phase in period of 2 years from the risk and needs assessment for each inmate to start providing these programs and the priority will go to the inmates who are closest to being released.

#### SECTION 103: A SUNLIGHT PROVISION

Section 103 is the first of many sunlight provisions meant to provide accountability. The comptroller general will audit the BOP and the risk and needs assessment system at the BOP facilities to make sure that the proper measures are being taken and that these assessment programs are being implemented.

#### SECTION 104: APPROPRIATIONS

Congress is Authorizing \$75,000,000 for this assessment program. 80 percent must be reserved for use to implement this system so it cannot be used for anything else.

#### SECTION 105: FEDERAL CONVICTIONS ONLY:

These provisions are only for federal convictions and do not apply, at this time, to state or territorial convictions.

#### SECTION 106: IMPACT ON FAITH BASED PROGRAMS

Section 106 prohibits faith-based programs to be discriminated against for any purpose

Faith-based programs are allowed to be considered under the Act for time credits. The BOP director must also ensure that non-faith-based programs that can qualify for earned time credit are also offered.

#### SECTION 107: CREATION OF AN INDEPENDENT RESEARCH COMMITTEE

Within 30 days of the signing of this act the National Institute of Justice must create an independent review committee to assist the Attorney general in carrying out his duties, including conducting a review of existing prisoner risk and needs assessment systems, “developing recommendations regarding evidence-based recidivism reduction programs and productive activities,” and conducting research and data analysis. The BOP must cooperate with this review.

Within two years of the formation of the committee they must give report to congress about what crimes were ineligible for time credits, how many prisoners were excluded, the criminal history categories of prisoners excluded and the number of prisoners ineligible to apply time credits who don't participate in programming.

#### SECTION 102: FIXING THE GOOD TIME PROBLEM

Section 102 fixes a problem with how good time credit is calculated. Under this portion of the act an inmate gets “up to 54 days [of good time] for each year of the prisoner’s sentence imposed by the court.” It also fixes a prorating issue by stating, “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.” The [Marshall Project](#) indicates that this retroactive fix would free about 4000 prisoners.

#### Title II: Secure Firearms Storage

This part of the act gives more information about the storage of firearms.

#### Title III: SHACKLING OF PREGNANT WOMEN ENDED

The Act ends the shackling of pregnant women from the date that pregnancy is confirmed by a healthcare professional and ends after post-partum recovery. There are exceptions for if there is an immediate and credible flight risk or a threat of harm to herself or others.

If restraints are used then the officer has to write a report about what happened and why they placed the restraints on.

#### Title IV: SENTENCING REFORM

Title IV deals with sentencing reform. These reforms, while great, are not retroactive so they will not assist the great many of you who are in for life for two convictions for “prior felony drug offense(s).” I hope that these reforms are made retroactive in the future. If you are in jail now and facing charges, then you would be best off conferring with your lawyer to make sure that they are aware of these changes and that they know how these changes may affect you.

#### SECTION 401 ENDS MANDATORY LIFE UNDER §851

The Act replaces the concept of being enhanced for “felony drug offenses” with “serious drug felony” and “serious violent felony.”

A **serious drug felony** “means an offense described in section 924(e)(2) of title 18, United States Code, for which—

“(A) the offender served a term of imprisonment of more than 12 months; and

“(B) the offender’s release from any term of imprisonment was within 15 years of the commencement of the instant offense.

A ‘**serious violent felony**’ means—

“(A) an offense described in section 3559(c)(2) of title 18, United States Code, for which the offender served a term of imprisonment of more than 12 months; and

“(B) any offense that would be a felony violation of section 113 of title 18, United States Code, if the offense were committed in the special maritime and territorial jurisdiction of the United States, for which the offender served a term of imprisonment of more than 12 months.

Note two things: first the imprisonment has to be more than 12 months, not that more than 12 months was possible. Second, note that the release from any term of imprisonment has to be within 15 years of the commencement of this case. So in other words, the government will not be able to bring up 30-year old priors against someone to enhance them.

Instead of the mandatory minimum of 20 for one prior felony drug offense the Act provides the following: “If any person commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final, such person shall be sentenced to a term of imprisonment of not less than 15 years.”

Instead of the mandatory life for two prior felony drug offenses, the act provides that after 2 or more prior convictions for a serious drug felony or serious violent felony have become final, such person shall be sentenced to a term of imprisonment of not less than 25 years.”

So in other words we go from life to a minimum of 25 years for two priors and from 20 years to 15 years for one prior. BUT ALSO NOTE that a person can get enhanced under this section for either a “serious drug felony” or a “serious violent felony.” So we could be looking at a situation where a person gets a violent offense, finishes their time 15 years ago and can get enhanced for it here when they couldn’t before.

Again, this applies to cases that are currently going through the courts but have not been sentenced. So if you have a pending case and your attorney does *not* know about these reforms and how they affect you then you may need to let them know about the changes.

#### SECTION 402 BROADENS THE SAFETY VALVE

Before the Act, 18 U.S.C. 3553(a)(1) stated that a defendant could not have more than 1 criminal history point as determined by the sentencing guidelines. So a judge could only give someone the safety valve if they had one point, which was very restrictive. The Act broadens that to include defendants who do not have:

“(A) more than 4 criminal history points, excluding any criminal history points resulting from a 1-point offense, as determined under the sentencing guidelines;

“(B) a prior 3-point offense, as determined under the sentencing guidelines; and

“(C) a prior 2-point violent offense, as determined under the sentencing guidelines;

Again, this is not retroactive unfortunately.

#### Section 403 Fixes the 924(c) problem

Prior to this, an individual who was charged with multiple 924(c)’s in the same indictment was subject to the enhanced penalty of twenty-five years for the second charge. So in other words, if a person was charged with committing a 924(c) offense on Monday and another one on Tuesday could be liable to serve a sentence of five years on the first case (the “Monday” case) and twenty-five years on the second case (the “Tuesday” case). This led to individuals getting sentenced to thirty years or more without a chance for rehabilitation.

The Act fixes this by striking “second or subsequent conviction under this subsection” and inserting “violation of this subsection that occurs after a prior conviction under this subsection has become final”. This would mean that the person in the situation above would be subject to five years for each offense because the first offense had not become final yet.

#### SECTION 404 RETROACTIVELY APPLIES THE FAIR SENTENCING ACT OF 2010

Prior to the Fair Sentencing Act a person charged with an offense involving crack cocaine would serve 100 times more than a person charged with the same amount of powder cocaine. After the Fair Sentencing Act that number went down from 100:1 to 18:1. The Fair Sentencing Act was not originally deemed retroactive.

The FIRST STEP Act retroactively applies the Fair Sentencing Act of 2010. An inmate seeking relief under this portion must file a motion asking the court to grant the retroactive application of the Fair Sentencing Act. An inmate can only file one motion for relief under this Act; if an inmate is denied under this Act then they may not file another one. This means that filing a strong motion is paramount.

**The Law office of Jeremy Gordon will be accepting cases for inmates seeking to file for retroactive application of the Fair Sentencing Act. We are only taking a select few cases in order to provide excellent service to our clients. If you believe that you are eligible for relief under the Fair Sentencing Act of 2010 then please reach out to our office at 972-483-4865 today or email us at [info@gordonddefense.com](mailto:info@gordonddefense.com).**

#### TITLE 5: REAUTHORIZATION OF SECOND CHANCE ACT OF 2007

The Second Chance Act has some technical amendments and appropriates money for the Second Chance Act.

#### TITLE VI: MISCELLANEOUS CRIMINAL JUSTICE

##### SECTION 601 MANDATES THAT INMATES BE WITHIN 500 MILES OF THEIR FAMILIES

The FIRST STEP Act indicates that the BOP shall house the inmate within 500 miles of their primary residence as well as placing an inmate at facilities closer to the prisoner’s primary residence even if the prisoner is already in within 500 miles of their primary residence.

##### SECTION 602 EMPHASISES HOME CONFINEMENT

The act amends 18 U.S.C. 3624 by placing at the end “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.”

Section 603 adds to the Federal Prisoner Reentry Initiative

The Act makes “eligible terminally ill offenders” to The Federal Prisoner Reentry Initiative as well as reducing the eligibility from 65 years of age to 60 years of age.

##### SECTION 603 ADDS TRANSPARENCY TO COMPASSIONATE RELEASE AND PROVIDES OPTIONS TO PETITION THE COURT

The Act adds that in addition to the warden filing a compassionate release for an inmate that a compassionate release can also be ordered by the court. In the past, denial or inaction on compassionate releases had no real remedy to be challenged in the courts. Under section 503 of the FIRST STEP Act, an inmate can petition the court after they have sought all their administrative remedies “or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier.”

In addition, if an inmate is diagnosed with a terminal illness the BOP must notify the inmate's "attorney, partner, and family members of the defendant's condition and inform the defendant's attorney, partner, and family members that they may prepare and submit [a compassionate release petition]." Further the BOP must allow the inmate's partner and family members, including extended family, the opportunity to visit the inmate in person.

The FIRST STEP Act also mandates that BOP employees "assist the defendant in the preparation, drafting, and submission of a request for a [compassionate release petition]" and process it within 14 days. The Act indicates that an inmate's "attorney, partner, or family member" can present the application. Further, the BOP is required to post this information "including in prisoner handbooks, staff training materials, and facility law libraries and medical and hospice facilities, and make available to prisoners upon demand" about these compassionate release rules.

There is a "sunlight" provision here as well requiring the BOP to submit a report to congress about how many compassionate release petitions were filed, how many were granted, how many were denied, the reasons for the grant and denial of the same, the amount of time it took the BOP to process each petition, the number of visits allowed to terminally ill patients and the number of inmates who passed away while waiting to hear about their petitions.

If you are an inmate who has sought and was denied compassionate release then you may be able to receive relief from the court. The Law Office of Jeremy Gordon can assist you in the preparation of a compassionate release petition from the BOP, the administrative remedy process and the filing of a compassionate release petition with the court. Our office successfully sought and received a compassionate release for an individual within the past month. I will post more about that in a future email, but in the meantime if you would like to reach out to our office about that you can email us at [info@gordonddefense.com](mailto:info@gordonddefense.com) or call us at 972-483-4865.

#### SECTION 707 REQUIRES OF REPORTS TO CONGRESS ON OPIOID ABUSE STRATEGIES

Section 607 mandates reports on opioid abuse be submitted to congress within 90 days of the signing of this Act. This shall include consideration on "medication-assisted treatment as a strategy to assist in treatment where appropriate and not as a replacement for holistic and other drug-free approaches." The BOP director is responsible for this report.

Further, within 120 days the "Director of the Administrative Office of the United States"

assessing the availability of and capacity for the provision of medication-assisted treatment for opioid and heroin abuse by treatment service providers serving prisoners who are serving a term of supervised release, and including a description of plans to expand access to medication-assisted treatment for heroin and opioid abuse whenever appropriate among prisoners under supervised release.

#### SECTION 613: ENDING OF JUVENILE SOLITARY CONFINEMENT

Section 613 ends juvenile solitary confinement, meaning placement of a juvenile alone in a cell, room or other area for any reason. There are exceptions when a juvenile poses a risk of harm. In those cases the staff member must attempt to talk with the juvenile to de-escalate the situation and permitting a qualified health professional to talk to the juvenile. In those cases where a juvenile is a risk of harm there is a max time limit of 3 hours if the juvenile is a risk of harm to others and 30 minutes if the juvenile is a risk of harm to themselves.

There is a lot in the FIRST STEP Act, to be sure. If you have questions or believe that you are eligible for relief from the court then please reach out to us at [info@gordonddefense.com](mailto:info@gordonddefense.com) and we can discuss with you further. I will provide updates and addendums to this explainer over the next few weeks.

## CONCLUSION

That is all that I have for you this week. Another newsletter will come out next week. Take care and stay safe.

Jeremy Gordon, Esq.

P.O.BOX 2275

Mansfield, Texas 76063

Tel: 972-483-4865

Website: [www.gordonddefense.com](http://www.gordonddefense.com)

E-mail: [info@topfederallawyer.com](mailto:info@topfederallawyer.com) (newsletter sign-up)

[info@gordonddefense.com](mailto:info@gordonddefense.com) (retention inquiries)

[www.facebook.com/gordonddefense](http://www.facebook.com/gordonddefense) (please visit and "like")

Inmate Calls Arranged by Appt.

(please call my office and ask one of my assistants to set a time for me to speak with you)