

## Elderly and family reunification pilot program FAQ

**Background:** The First Step Act (P.L. 115-391) reauthorized a 2009 pilot program that allows the Bureau of Prisons (BOP) to transfer certain elderly prisoners into home confinement without regards to the time limits laid out in 18 U.S.C. § 3624(c). In addition to reauthorizing the pilot program, the First Step Act allows the Department of Justice to implement the program in more than one BOP facility and expanded the eligibility criteria.

### **Q1: How long will the pilot program be in effect?**

A: The First Step Act authorized the pilot program for fiscal years 2019 through 2023.

### **Q2: Where will the program be offered?**

A: Under the original program, the pilot program was only offered in one BOP facility. The First Step grants the Attorney General authority to multiple BOP facilities and does not prevent the Attorney General from implementing this program in every BOP facilities. The available facilities will not be known until the DOJ releases guidance on the program.

### **Q3: Who will be eligible?**

A: During the first iteration of the program elderly prisoners who were not less than 65 years old and had served either 10 years or 75% of their prison sentence were eligible for early transfer to home confinement.

Under the First Step Act – the elderly prisoners who are not less than 60 years old and have served 2/3 of their sentence are eligible for early transfer to home confinement. In addition to elderly prisoner, the reauthorization of the pilot program will be offered to “terminally ill” prisoners. Under this pilot program an individual is considered to be terminally ill if a BOP approved medical doctor finds that the person 1) needs care in a nursing home, intermediate care facility, or assisted living facility or 2) diagnosed with a terminal illness.

Under both the initial pilot program and the First Step reauthorization, individuals convicted of a violent offense as defined in 18 U.S.C. § 16, sex offense as defined in 34 U.S.C. § 20911(5), offense described in 18 U.S.C. § 2332b(g)(5)(B) or offense under 18 U.S.C. §§ 791 et seq are ineligible.

### **Q4: What’s the process for selection?**

A: The First Step reauthorization now allows for the elderly prisoners to submit written requests to the BOP for early transfer into home confinement. The decision for early transfer will be made by the Attorney General.

### **Q5: Do I need an attorney to apply for this program?**

A: No. The decision to place an elderly or terminally ill prisoner in home confinement will be made at the discretion of the Attorney General. Prisoners are not entitled to representation in this process, nor is it necessary.

If you have questions regarding this process or if an attorney is offering you release in exchange for payment please contact Mary Price at [mprice@famm.org](mailto:mprice@famm.org)