



## Bill Summary: First Step Implementation Act [S. 1014](#)

**The Bill:** If passed, the First Step Implementation Act would retroactively apply major sentencing reforms from the First Step Act of 2018 and provide judges in future cases increased discretion to give sentences below mandatory minimums. The bill would also implement major reforms for people sentenced as youth, including the opportunity to have lengthy sentences reconsidered. **FAMM supports this bill.**

**Introduced By:** Sen. Dick Durbin (D-Ill.) and Sen. Chuck Grassley (R-Iowa)

**Who it would help:** People who

- Received a sentence in federal (not state) court before December 21, 2018, that would have been impacted by sentencing reforms in the First Step Act,
- Face federal sentences for minor drug offenses in the future, or
- Are serving lengthy federal sentences for crimes committed under the age of 18.

**Bill status:** *This bill is not yet law.* The bill was introduced in the United States Senate. It must be passed by both the U.S. Senate and the U.S. House of Representatives and be signed by the President before it can become law. We do not know if or when this bill could become law. Thousands of bills are introduced in Congress each year, and very few become law.

**What the bill would do:**

### 1. First Step Act Retroactivity

The First Step Act of 2018 created federal sentencing reforms that were only applied to people who committed their offenses after December 21, 2018, the day it became law. If passed, the First Step Implementation Act would apply those sentencing reforms retroactively to people who committed their offenses **before December 21, 2018**, giving judges the power to reduce their sentences to reflect these changes. Sentencing reforms could be applied retroactively to:

- People who received enhanced mandatory minimums because of prior drug convictions
  - The mandatory penalty for a third drug offense was reduced from life imprisonment to 25 years, and the 20-year mandatory minimum for a second drug offense was reduced to 15 years
  - Prior convictions that trigger these enhanced mandatory sentences were limited to serious drug felonies which occurred within 15 years and serious violent felonies, unlike previously where any drug offense could trigger these mandatory sentences
- People who received “stacked” mandatory minimum sentences under 18 U.S.C. § 924(c) for using a firearm during a crime of violence or drug crime
  - The First Step Act ensured that people cannot receive the 25-year mandatory sentence for a repeat 924(c) offense unless they had previously been convicted and served a sentence for such an offense.



Under the bill, requests for a retroactive sentence reduction could be filed by the incarcerated person, the court, the U.S. Attorney’s office, or the Bureau of Prisons (BOP). **No one would be guaranteed a sentence reduction under this bill** – the court could grant or deny a sentence reduction after considering facts like the person’s post-sentencing conduct and danger to the public.

## 2. Safety Valve Expansion

The “safety valve”<sup>1</sup> allows judges to give sentences below the mandatory minimum in federal drug cases if certain criteria are met. Currently, the safety valve applies only to people who have a limited U.S. Sentencing Guidelines criminal history score. If passed, the First Step Implementation Act would:

- Permit judges to apply the safety valve even in cases where the person does not meet the current criminal history score limitation, **if** the court finds that the score over-represents the seriousness of the defendant’s criminal record and their likelihood of recidivism.
- This expansion of the safety valve would **not** apply to people who have ever been convicted of a “serious drug felony” or a “serious violent felony.”<sup>2</sup>

**This reform to the safety valve would NOT be retroactive – in other words, it would apply only to people who commit their offenses after the date this bill becomes law.**

## 3. Reforms Addressing Juvenile Offenses

If passed, the bill would also:

- Allow courts to reduce sentences imposed for offenses committed under the age of 18 if the court determines that the person:
  - Has served at least 20 years;
  - Is not a danger to anyone; and
  - The interests of justice warrant a sentence modification.

**This reform would be retroactive**, so it would apply to people currently in prison as well as those sentenced in the future.

- In some cases, seal juvenile delinquency adjudications, closing them from public viewing, and expunge juvenile criminal records.

## 4. Ensuring Accuracy of Criminal Records

If passed, the bill would also require the Attorney General to establish and enforce procedures to ensure the accuracy of criminal records that are sought for employment-related purposes. This would include a process for people to challenge or correct records regarding their history.

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<sup>1</sup> See 18 U.S.C. § 3553(f) for the current list of criteria that must be met for a person to qualify for the safety valve.

<sup>2</sup> See 21 U.S.C. § 802(57), (58) for the definitions of these offenses.