

115TH CONGRESS
1ST SESSION

H. R. 3356

To provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2017

Mr. COLLINS of Georgia (for himself, Mr. JEFFRIES, Mr. GOODLATTE, Mr. CONYERS, Mr. SENSENBRENNER, Ms. JACKSON LEE, Mr. MARINO, Mr. RICHMOND, Mr. ISSA, and Ms. BASS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Prison Reform and Redemption Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RECIDIVISM RISK REDUCTION

- Sec. 101. Duties of the Attorney General.
 Sec. 102. Post-sentencing risk and needs assessment system.
 Sec. 103. Recidivism reduction program and productive activity recommendations.
 Sec. 104. Report.
 Sec. 105. Use of system and recommendations by Bureau of Prisons.
 Sec. 106. Definitions.
 Sec. 107. Authorization of appropriations.
 Sec. 108. Rule of construction.

TITLE II—BUREAU OF PRISONS SECURE FIREARMS STORAGE

- Sec. 201. Short title.
 Sec. 202. Findings.
 Sec. 203. Secure firearms storage.

TITLE III—RESTRAINTS ON PREGNANT PRISONERS PROHIBITED

- Sec. 301. Use of restraints on prisoners during the period of pregnancy and postpartum recovery prohibited.

TITLE IV—MISCELLANEOUS

- Sec. 401. De-escalation training.
 Sec. 402. Medication-assisted treatment for opioid and heroin abuse.
 Sec. 403. Monitoring of electronic communications between prisoner and attorney.
 Sec. 404. Pilot programs.
 Sec. 405. Ensuring supervision of released sexually dangerous persons.
 Sec. 406. Data collection.
 Sec. 407. Federal prisoner reentry initiative reauthorization; modification of imposed term of imprisonment.
 Sec. 408. Release coordination.

1 **TITLE I—RECIDIVISM RISK** 2 **REDUCTION**

3 **SEC. 101. DUTIES OF THE ATTORNEY GENERAL.**

4 (a) IN GENERAL.—The Attorney General shall carry
 5 out this section in consultation with—

6 (1) the Director of the Bureau of Prisons;

7 (2) the Director of the Administrative Office of
 8 the United States Courts;

9 (3) the Director of the Office of Probation and
 10 Pretrial Services;

1 (4) the Director of the National Institute of
2 Justice; and

3 (5) the Director of the National Institute of
4 Corrections.

5 (b) DUTIES.—The Attorney General shall, in accord-
6 ance with subsection (c)—

7 (1) develop a prisoner risk and needs assess-
8 ment system in accordance with section 102;

9 (2) develop recommendations regarding recidi-
10 vism reduction programs and productive activities in
11 accordance with section 103;

12 (3) conduct ongoing research and data analysis
13 on—

14 (A) the best practices relating to the use of
15 prisoner risk and needs assessment tools;

16 (B) the best available risk and needs as-
17 sessment tools and the level to which they rely
18 on dynamic risk factors that could be addressed
19 and changed over time, and on measures of risk
20 of recidivism, individual needs, and responsivity
21 to recidivism reduction programs;

22 (C) the most effective and efficient uses of
23 such tools in conjunction with recidivism reduc-
24 tion programs, productive activities, incentives,
25 and rewards;

1 (D) which recidivism reduction programs
2 are the most effective for addressing the dif-
3 ferent risks and specific criminogenic needs of
4 prisoners, and the volume and intensity of pro-
5 gramming that most effectively reduces the risk
6 of recidivism for prisoners with different risks
7 of recidivating;

8 (E) which prerelease custody options are
9 most effective for prisoners with different risks
10 of recidivating; and

11 (F) products purchased by Federal agen-
12 cies that are manufactured overseas and could
13 be manufactured by prisoners participating in a
14 prison work program without reducing job op-
15 portunities for other workers in the United
16 States;

17 (4) on a biennial basis, review the system devel-
18 oped under paragraph (1) and the recommendations
19 developed under paragraph (2), using the research
20 conducted under paragraph (3), to determine wheth-
21 er any revisions or updates should be made, and if
22 so, make such revisions or updates;

23 (5) hold periodic meetings with the individuals
24 listed in subsection (a) at intervals to be determined
25 by the Attorney General; and

1 (6) report to Congress in accordance with sec-
2 tion 104.

3 (c) METHODS.—In carrying out the duties under sub-
4 section (b), the Attorney General shall—

5 (1) consult relevant stakeholders; and

6 (2) make decisions using data that is based on
7 the best available statistical and empirical evidence.

8 **SEC. 102. POST-SENTENCING RISK AND NEEDS ASSESS-**
9 **MENT SYSTEM.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date of the enactment of this Act, the Attorney General
12 shall develop and release, for use by the Bureau of Prisons
13 in accordance with the phase-in period described in section
14 3621(b)(2) of title 18, United States Code, as added by
15 this Act, a prisoner risk and needs assessment system, to
16 be known as the “Post-Sentencing Risk and Needs Assess-
17 ment System” (referred to in this Act as the “System”),
18 which shall provide for the development and implementa-
19 tion of risk and needs assessment tools (developed under
20 subsection (b)) in order to, for each prisoner—

21 (1) determine the recidivism risk of each pris-
22 oner as part of the intake process, ensuring that the
23 recidivism risk metric distinguishes the different
24 rates of failure;

1 (2) assign the prisoner to appropriate recidi-
2 vism reduction programs or productive activities
3 based on that determination, the prisoner's specific
4 criminogenic needs, and in accordance with sub-
5 section (c);

6 (3) reassess the recidivism risk of each prisoner
7 periodically using an appropriate reassessment tool
8 described in subsection (b)(1)(B), and reassign the
9 prisoner to appropriate recidivism reduction pro-
10 grams or productive activities based on the revised
11 determination, the specific criminogenic needs of the
12 prisoner, and the successful completion of recidivism
13 reduction programs in accordance with subsection
14 (e); and

15 (4) determine when a prisoner is ready to
16 transfer into prerelease custody in accordance with
17 section 3624(g) of title 18, United States Code, as
18 added by this title.

19 (b) RISK AND NEEDS ASSESSMENT TOOLS.—

20 (1) IN GENERAL.—The Attorney General
21 shall—

22 (A) adapt the Federal Post Conviction
23 Risk Assessment Tool developed and utilized by
24 the Administrative Office of the United States
25 Courts in order to develop suitable risk and

1 needs assessment tools to be used in the System
2 developed under subsection (a) by using the re-
3 search and data analysis required to be con-
4 ducted under section 101(b)(3) on the best
5 available risk and needs assessment tools avail-
6 able as of the date of the enactment of this Act,
7 and determining, using the methods required
8 under section 101(c), how to make the most ef-
9 fective and efficient tools to accomplish for each
10 prisoner, the assessments, assignments, and re-
11 assessments described in paragraphs (1)
12 through (3) of subsection (a); and

13 (B) ensure that the risk and needs assess-
14 ment tool to be used in the reassessments de-
15 scribed in subsection (a)(3) measures and uses
16 dynamic risk factors, indicators of progress,
17 and of regression, including newly acquired
18 skills and changes in attitude and behavior over
19 time.

20 (2) VALIDATION ON PRISONERS.—In carrying
21 out this subsection, the Attorney General shall sta-
22 tistically validate any tools that the Attorney Gen-
23 eral selects for use in the System on the Federal
24 prison population, or ensure that the tools have been
25 so validated.

1 (3) EVALUATION.—The Attorney General shall
2 ensure that the System does not result in unwar-
3 ranted disparities, including by—

4 (A) annually evaluating rates of recidivism
5 among similarly classified prisoners to identify
6 any unwarranted disparities in such rates, in-
7 cluding disparities among similarly classified
8 prisoners of different demographic groups; and

9 (B) adjusting the System to reduce such
10 disparities to the greatest extent possible.

11 (c) ASSIGNMENT OF RECIDIVISM REDUCTION PRO-
12 GRAMS.—The System shall provide guidance on the kind
13 and amount of recidivism reduction programming or pro-
14 ductive activities that should be assigned for each prisoner
15 and shall provide—

16 (1) that the higher a prisoner’s risk of
17 recidivating, the more programming the prisoner
18 shall participate in, according to the prisoner’s spe-
19 cific criminogenic needs;

20 (2) information on the best ways that the Bu-
21 reau of Prisons can tailor the programs to the spe-
22 cific criminogenic needs of each prisoner so as to
23 best lower each prisoner’s risk of recidivating; and

24 (3) that all prisoners shall actively participate
25 in recidivism reduction programs, according to their

1 specific criminogenic needs, or productive activities
2 throughout their entire term of incarceration.

3 (d) HOUSING AND ASSIGNMENT DECISIONS.—The
4 System shall provide guidance on program grouping and
5 housing assignment determinations and, after accounting
6 for the safety of each prisoner and other individuals at
7 the prison, provide that prisoners with a similar risk of
8 recidivating be grouped together in housing and assign-
9 ment decisions to the extent practicable.

10 (e) RECIDIVISM REDUCTION PROGRAM AND PRODUC-
11 TIVE ACTIVITY INCENTIVES AND REWARDS.—The System
12 shall provide incentives and rewards for prisoners to par-
13 ticipate in and complete recidivism reduction programs
14 and productive activities as follows:

15 (1) FAMILY PHONE AND VISITATION PRIVI-
16 LEGES.—A prisoner who is successfully participating
17 in a recidivism reduction program or a productive
18 activity shall receive, for use with family (including
19 extended family), close friends, mentors, and reli-
20 gious leaders—

21 (A) phone privileges, or, if available, video
22 conferencing privileges, for up to 30 minutes
23 per day, and up to 900 minutes per month; and

1 (B) additional time for visitation at the
2 prison, as determined by the warden of the pris-
3 on.

4 (2) TIME CREDITS.—

5 (A) IN GENERAL.—A prisoner shall earn
6 10 days of time credits for each 30 days that
7 the prisoner successfully participates in a re-
8 cidivism reduction program or productive activ-
9 ity, except that—

10 (i) a prisoner (other than a prisoner
11 described in clause (ii)) who has been de-
12 termined, over two consecutive reassess-
13 ments, to have reduced their risk of recidi-
14 vism, shall earn an additional 5 days of
15 time credits for each 30 days that the pris-
16 oner successfully participates in a recidi-
17 vism reduction program or productive ac-
18 tivity; and

19 (ii) a prisoner who has a low or no
20 risk of recidivism and who has been deter-
21 mined, over two consecutive reassessments,
22 not to have increased their risk of recidi-
23 vism, shall earn an additional 5 days of
24 time credits for each 30 days that the pris-
25 oner successfully participates in a recidi-

1 vism reduction program or productive ac-
2 tivity.

3 (B) AVAILABILITY.—A prisoner may not
4 earn time credits under this paragraph for a re-
5 cidivism reduction program or productive activ-
6 ity that the prisoner successfully participated
7 in—

8 (i) prior to the date of the enactment
9 of this Act; or

10 (ii) during official detention prior to
11 the date that the prisoner’s sentence com-
12 mences under section 3585(a) of title 18,
13 United States Code, if the prisoner be-
14 comes ineligible to receive time credits
15 under subparagraph (C).

16 (C) INELIGIBLE PRISONERS.—A prisoner
17 serving a sentence as a result of a conviction
18 for an offense under any of the following provi-
19 sions of law shall be ineligible to receive time
20 credits:

21 (i) Section 113(a)(1) of title 18,
22 United States Code, relating to assault
23 with intent to commit murder.

24 (ii) Section 115 of title 18, United
25 States Code, relating to influencing, im-

1 peding, or retaliating against a Federal of-
2 ficial by injuring a family member, except
3 for a threat made in violation of that sec-
4 tion.

5 (iii) Any section of chapter 10 of title
6 18, United States Code, relating to biologi-
7 cal weapons.

8 (iv) Any section of chapter 11B of
9 title 18, United States Code, relating to
10 chemical weapons.

11 (v) Section 351 of title 18, United
12 States Code, relating to Congressional,
13 Cabinet, and Supreme Court assassination,
14 kidnapping, and assault.

15 (vi) Section 793 of title 18, United
16 States Code, relating to gathering, trans-
17 mitting, or losing defense information.

18 (vii) Section 794 of title 18, United
19 States Code, relating to gathering or deliv-
20 ering defense information to aid a foreign
21 government.

22 (viii) Any section of chapter 39,
23 United States Code, relating to explosives
24 and other dangerous articles, except for
25 section 836 (relating to the transportation

1 of fireworks into a State prohibiting sale
2 or use).

3 (ix) Section 842(p) of title 18, United
4 States Code, relating to distribution of in-
5 formation relating to explosive, destructive
6 devices, and weapons of mass destruction,
7 but only if the conviction involved a weap-
8 on of mass destruction (as defined in sec-
9 tion 2332a(c)(2) of such title).

10 (x) Subsection (f)(3), (h), or (i) of
11 section 844 of title 18, United States
12 Code, relating to the use of fire or an ex-
13 plosive.

14 (xi) Section 924(e) of title 18, United
15 States Code, relating to unlawful posses-
16 sion of a firearm by a person with 3 or
17 more convictions for a violent felony or a
18 serious drug offense.

19 (xii) Section 1030(a)(1) of title 18,
20 United States Code, relating to fraud and
21 related activity in connection with com-
22 puters.

23 (xiii) Any section of chapter 51 of
24 title 18, United States Code, relating to
25 homicide, except for section 1112 (relating

1 to manslaughter), 1113 (relating to at-
2 tempt to commit murder or manslaughter,
3 but only if the conviction was for an at-
4 tempt to commit manslaughter), 1115 (re-
5 lating to misconduct or neglect of ship offi-
6 cers), or 1122 (relating to protection
7 against the human immunodeficiency
8 virus).

9 (xiv) Any section of chapter 55 of title
10 18, United States Code, relating to kidnap-
11 ping.

12 (xv) Any offense under chapter 77 of
13 title 18, United States Code, relating to
14 peonage, slavery, and trafficking in per-
15 sons, except for sections 1592 through
16 1596.

17 (xvi) Section 1751 of title 18, United
18 States Code, relating to Presidential and
19 Presidential staff assassination, kidnap-
20 ping, and assault.

21 (xvii) Section 1841(a)(2)(C) of title
22 18, United States Code, relating to inten-
23 tionally killing or attempting to kill an un-
24 born child.

1 (xviii) Section 1992 of title 18, United
2 States Code, relating to terrorist attacks
3 and other violence against railroad carriers
4 and against mass transportation systems
5 on land, on water, or through the air.

6 (xix) Section 2113(e) of title 18,
7 United States Code, relating to bank rob-
8 bery resulting in death.

9 (xx) Section 2118(c)(2) of title 18,
10 United States Code, relating to robberies
11 and burglaries involving controlled sub-
12 stances resulting in death.

13 (xxi) Section 2119(3) of title 18,
14 United States Code, relating to taking a
15 motor vehicle (commonly referred to as
16 “carjacking”) that results in death.

17 (xxii) Any section of chapter 105 of
18 title 18, United States Code, relating to
19 sabotage, except for section 2152.

20 (xxiii) Any section of chapter 109A of
21 title 18, United States Code, relating to
22 sexual abuse, except that with regard to
23 section 2244 of such title, only a conviction
24 under subsection (c) of that section (relat-
25 ing to abusive sexual contact involving

1 young children) shall make a prisoner in-
2 eligible under this subparagraph.

3 (xxiv) Section 2251 of title 18, United
4 States Code, relating to the sexual exploi-
5 tation of children.

6 (xxv) Section 2251A of title 18,
7 United States Code, relating to the selling
8 or buying of children.

9 (xxvi) Any of paragraphs (1) through
10 (3) of section 2252(a) of title 18, United
11 States Code, relating to certain activities
12 relating to material involving the sexual ex-
13 ploitation of minors.

14 (xxvii) A second or subsequent convic-
15 tion under any of paragraphs (1) through
16 (6) of section 2252A(a) of title 18, United
17 States Code, relating to certain activities
18 relating to material constituting or con-
19 taining child pornography.

20 (xxviii) Section 2260 of title 18,
21 United States Code, relating to the produc-
22 tion of sexually explicit depictions of a
23 minor for importation into the United
24 States.

1 (xxix) Section 2283 of title 18, United
2 States Code, relating to the transportation
3 of explosive, biological, chemical, or radio-
4 active or nuclear materials.

5 (xxx) Section 2284 of title 18, United
6 States Code, relating to the transportation
7 of terrorists.

8 (xxxi) Section 2291 of title 18, United
9 States Code, relating to the destruction of
10 a vessel or maritime facility, but only if the
11 conduct which led to the conviction in-
12 volved a substantial risk of death or seri-
13 ous bodily injury.

14 (xxxii) Any section of chapter 113B of
15 title 18, United States Code, relating to
16 terrorism.

17 (xxxiii) Section 2340A of title 18,
18 United States Code, relating to torture.

19 (xxxiv) Section 2381 of title 18,
20 United States Code, relating to treason.

21 (xxxv) Section 2442 of title 18,
22 United States Code, relating to the recruit-
23 ment or use of child soldiers.

24 (xxxvi) Section 57(b) of the Atomic
25 Energy Act of 1954 (42 U.S.C. 2077(b)),

1 relating to the engagement or participation
2 in the development or production of special
3 nuclear material.

4 (xxxvii) Section 92 of the Atomic En-
5 ergy Act of 1954 (42 U.S.C. 2122), relat-
6 ing to prohibitions governing atomic weap-
7 ons.

8 (xxxviii) Section 101 of the Atomic
9 Energy Act of 1954 (42 U.S.C. 2131), re-
10 lating to the atomic energy license require-
11 ment.

12 (xxxix) Section 224 or 225 of the
13 Atomic Energy Act of 1954 (42 U.S.C.
14 2274, 2275), relating to the communica-
15 tion or receipt of restricted data.

16 (xl) Section 236 of the Atomic Energy
17 Act of 1954 (42 U.S.C. 2284), relating to
18 the sabotage of nuclear facilities or fuel.

19 (xli) Section 60123(b) of title 49,
20 United States Code, relating to damaging
21 or destroying a pipeline facility, but only if
22 the conduct which led to the conviction in-
23 volved a substantial risk of death or seri-
24 ous bodily injury.

1 (xlii) Section 401(a) of the Controlled
2 Substances Act (21 U.S.C. 841), relating
3 to manufacturing or distributing a con-
4 trolled substance, but only in the case of a
5 conviction for an offense described in sub-
6 paragraph (A), (B), or (C) of subsection
7 (b)(1) of that section for which death or
8 serious bodily injury resulted from the use
9 of such substance.

10 (xliii) Section 276(a) of the Immigra-
11 tion and Nationality Act (8 U.S.C. 1326),
12 relating to the reentry of a removed alien,
13 but only if the alien is described in para-
14 graph (1) or (2) of subsection (b) of that
15 section.

16 (xliv) Any section of the Export Ad-
17 ministration Act of 1979 (50 U.S.C. App.
18 2401 et seq.).

19 (xlv) Section 206 of the International
20 Emergency Economic Powers Act (50
21 U.S.C. 1705).

22 (xlvi) Section 601 of the National Se-
23 curity Act of 1947 (50 U.S.C. 3121), relat-
24 ing to the protection of identities of certain

1 United States undercover intelligence offi-
2 cers, agents, informants, and sources.

3 (xlvii) An offense described in section
4 3559(c)(2)(F) of title 18, United States
5 Code, for which the offender was sentenced
6 to a term of imprisonment of more than
7 one year, if the offender has a previous
8 conviction, for which the offender served a
9 term of imprisonment of more than one
10 year, for a Federal or State offense, by
11 whatever designation and wherever com-
12 mitted, consisting of murder (as described
13 in section 1111 of title 18, United States
14 Code), voluntary manslaughter (as de-
15 scribed in section 1112 of title 18, United
16 States Code), assault with intent to com-
17 mit murder (as described in section 113(a)
18 of title 18, United States Code), aggra-
19 vated sexual abuse and sexual abuse (as
20 described in sections 2241 and 2242 of
21 title 18, United States Code), abusive sex-
22 ual contact (as described in sections
23 2244(a)(1) and (a)(2) of title 18, United
24 States Code), kidnapping (as described in
25 chapter 55 of title 18, United States

1 Code), carjacking (as described in section
2 2119 of title 18, United States Code),
3 arson (as described in section 844(f)(3),
4 (h), or (i) of title 18, United States Code),
5 or terrorism (as described in chapter 113B
6 of title 18, United States Code).

7 (xlviii) A third or subsequent convic-
8 tion for a drug trafficking offense, unless
9 the prisoner did not have a meaningful op-
10 portunity to participate in the recidivism
11 reduction programming described in this
12 title for one of the previous convictions.

13 (3) RISK REASSESSMENTS AND LEVEL ADJUST-
14 MENT.—A prisoner who successfully participates in
15 recidivism reduction programming or productive ac-
16 tivities shall receive periodic risk reassessments not
17 less than annually, and prisoners determined to be
18 at a greater risk of recidivating and who have less
19 than 5 years until their projected release date shall
20 receive more frequent risk reassessments. If the re-
21 assessment shows that the prisoner’s risk of
22 recidivating or specific needs have changed, the Bu-
23 reau of Prisons shall update the determination of
24 the prisoner’s risk of recidivating or information re-
25 garding the prisoner’s specific needs and reassign

1 the prisoner to appropriate recidivism reduction pro-
2 gramming or productive activities based on such
3 changes.

4 (4) RELATION TO OTHER INCENTIVE PRO-
5 GRAMS.—The incentives described in this subsection
6 shall be in addition to any other rewards or incen-
7 tives for which a prisoner may be eligible.

8 (f) PENALTIES.—The System shall provide guidelines
9 for the Bureau of Prisons to reduce rewards and incen-
10 tives earned under subsection (e) for prisoners who violate
11 prison, recidivism reduction program, or productive activ-
12 ity rules, which shall provide—

13 (1) general levels of violations and resulting re-
14 ductions;

15 (2) that any reduction that includes the for-
16 feiture of time credits shall be limited to time credits
17 that a prisoner earned as of the date of the pris-
18 oner's rule violation, and shall not include any fu-
19 ture time credits that the prisoner may earn; and

20 (3) guidelines for the Bureau of Prisons to es-
21 tablish a procedure to restore time credits that a
22 prisoner forfeited as a result of a rule violation
23 based on the prisoner's individual progress after the
24 date of the rule violation.

1 (g) BUREAU OF PRISONS TRAINING.—The Attorney
2 General shall develop training programs for Bureau of
3 Prisons officials and employees responsible for admin-
4 istering the System, which shall include—

5 (1) initial training to educate employees and of-
6 ficials on how to use the System in an appropriate
7 and consistent manner, as well as the reasons for
8 using the System;

9 (2) continuing education; and

10 (3) periodic training updates.

11 (h) QUALITY ASSURANCE.—In order to ensure that
12 the Bureau of Prisons is using the System in an appro-
13 priate and consistent manner, the Attorney General shall
14 monitor and assess the use of the System, which shall in-
15 clude conducting annual audits of the Bureau of Prisons
16 regarding the use of the System.

17 **SEC. 103. RECIDIVISM REDUCTION PROGRAM AND PRO-**
18 **DUCTIVE ACTIVITY RECOMMENDATIONS.**

19 The Attorney General shall—

20 (1) review the effectiveness of recidivism reduc-
21 tion programs and productive activities that exist as
22 of the date of the enactment of this title in prisons
23 operated by the Bureau of Prisons;

24 (2) review available information regarding the
25 effectiveness of recidivism reduction programs and

1 productive activities that exist in State-operated
2 prisons throughout the United States;

3 (3) using evidence-based data, identify the most
4 effective recidivism reduction programs;

5 (4) review the administrative process for enter-
6 ing into recidivism reduction partnerships described
7 in section 3621(h)(5) of title 18, United States
8 Code, as added by this title; and

9 (5) make recommendations to the Bureau of
10 Prisons regarding—

11 (A) the expansion of programming and ac-
12 tivity capacity and the replication of effective
13 programs and activities described in paragraph
14 (1); and

15 (B) the addition of any new effective pro-
16 grams and activities that the Attorney General
17 finds, using the methods described in section
18 101(c), would help to reduce recidivism.

19 **SEC. 104. REPORT.**

20 Beginning on the date that is one year after the date
21 of the enactment of this Act, and annually thereafter for
22 a period of 7 years, the Attorney General shall submit a
23 report to the Committees on the Judiciary of the Senate
24 and the House of Representatives and the Subcommittees
25 on Commerce, Justice, Science, and Related Agencies of

1 the Committees on Appropriations of the Senate and the
2 House of Representatives that contains the following:

3 (1) A summary of the activities and accomplish-
4 ments of the Attorney General in carrying out this
5 Act.

6 (2) A summary and assessment of the types
7 and effectiveness of the recidivism reduction pro-
8 grams and productive activities in prisons operated
9 by the Bureau of Prisons, including—

10 (A) evidence about which programs and ac-
11 tivities have been shown to reduce recidivism;

12 (B) the capacity of each program and ac-
13 tivity at each prison, including the number of
14 prisoners along with the recidivism risk of each
15 prisoner enrolled in each program; and

16 (C) identification of any gaps or shortages
17 in capacity of such programs and activities.

18 (3) Rates of recidivism among individuals who
19 have been released from Federal prison, based on
20 the following criteria:

21 (A) The primary offense charged.

22 (B) The length of the sentence imposed
23 and served.

1 (C) The Bureau of Prisons facility or fa-
2 cilities in which the prisoner's sentence was
3 served.

4 (D) The recidivism reduction programming
5 that the prisoner successfully completed, if any.

6 (E) The prisoner's assessed and reassessed
7 risk of recidivism.

8 (4) The status of prison work programs at fa-
9 cilities operated by the Bureau of Prisons, includ-
10 ing—

11 (A) a strategy to expand the availability of
12 such programs without reducing job opportuni-
13 ties for workers in the United States who are
14 not in the custody of the Bureau of Prisons, in-
15 cluding the feasibility of prisoners manufact-
16 uring products purchased by Federal agencies
17 that are manufactured overseas;

18 (B) an assessment of the feasibility of ex-
19 panding such programs, consistent with the
20 strategy required under subparagraph (A), with
21 the goal that 5 years after the date of enact-
22 ment of this Act, not less than 75 percent of el-
23 igible lower-risk offenders have the opportunity
24 to participate in a prison work program for not
25 less than 20 hours per week; and

1 (C) a detailed discussion of legal authori-
2 ties that would be useful or necessary to achieve
3 the goals described in subparagraphs (A) and
4 (B).

5 (5) An assessment of the Bureau of Prisons'
6 compliance with section 3621(h) of title 18, United
7 States Code.

8 (6) An assessment of progress made toward
9 carrying out the purposes of this title, including any
10 savings associated with—

11 (A) the transfer of prisoners into
12 prerelease custody under section 3624(g) of
13 title 18, United States Code, as added by this
14 title, including savings resulting from the avoid-
15 ance or deferral of future construction, acquisi-
16 tion, and operations costs; and

17 (B) any decrease in recidivism that may be
18 attributed to the implementation of the System
19 or the increase in recidivism reduction pro-
20 grams and productive activities required by this
21 title and the amendments made by this title.

22 (7) Recommendations for how to reinvest any
23 savings into other Federal, State, and local law en-
24 forcement activities and expansions of recidivism re-

1 duction programs and productive activities in the
2 Bureau of Prisons.

3 **SEC. 105. USE OF SYSTEM AND RECOMMENDATIONS BY BU-**
4 **REAU OF PRISONS.**

5 (a) IMPLEMENTATION OF SYSTEM GENERALLY.—
6 Section 3621 of title 18, United States Code, is amended
7 by adding at the end the following:

8 “(h) POST-SENTENCING RISK AND NEEDS ASSESS-
9 MENT SYSTEM.—

10 “(1) IN GENERAL.—Not later than 180 days
11 after the Attorney General completes and releases
12 the Post-Sentencing Risk and Needs Assessment
13 System (referred to in this subsection as the ‘Sys-
14 tem’) developed under the Prison Reform and Re-
15 demption Act, the Bureau of Prisons shall—

16 “(A) implement and complete the initial in-
17 take risk and needs assessment for each pris-
18 oner, regardless of the prisoner’s length of im-
19 posed term of imprisonment, and begin to as-
20 sign prisoners to appropriate recidivism reduc-
21 tion programs or productive activities based on
22 that determination, in accordance with section
23 102 of that Act;

24 “(B) begin to expand the effective recidi-
25 vism reduction programs and productive activi-

1 ties it offers and add any new recidivism reduc-
2 tion programs and productive activities nec-
3 essary to effectively implement the System, and
4 in accordance with the recommendations made
5 by the Attorney General under section 103 of
6 that Act and with paragraph (2); and

7 “(C) begin to implement the other risk and
8 needs assessment tools necessary to effectively
9 implement the System over time, as prisoners
10 are participating in and completing the effective
11 recidivism reduction programs and productive
12 activities, and in accordance with section 102 of
13 that Act.

14 “(2) PHASE-IN.—In order to carry out para-
15 graph (1), so that every prisoner has the opportunity
16 to participate in and complete the kind and amount
17 of recidivism reduction programming or productive
18 activities they need, and be reassessed for recidivism
19 risk as necessary to effectively implement the Sys-
20 tem and that the Attorney General recommends, the
21 Bureau of Prisons shall, subject to the availability of
22 appropriations—

23 “(A) provide such recidivism reduction pro-
24 grams and productive activities—

1 “(i) for not less than 20 percent of
2 prisoners before the date that is one year
3 after the date on which the Bureau of
4 Prisons completes the risk and needs as-
5 sessments under paragraph (1)(A);

6 “(ii) for not less than 40 percent of
7 prisoners before the date that is 2 years
8 after the date on which the Bureau of
9 Prisons completes the risk and needs as-
10 sessments under paragraph (1)(A);

11 “(iii) for not less than 60 percent of
12 prisoners before the date that is 3 years
13 after the date on which the Bureau of
14 Prisons completes the risk and needs as-
15 sessments under paragraph (1)(A);

16 “(iv) for not less than 80 percent of
17 prisoners before the date that is 4 years
18 after the date on which the Bureau of
19 Prisons completes the risk and needs as-
20 sessments under paragraph (1)(A); and

21 “(v) for all prisoners before the date
22 that is 5 years after the date on which the
23 Bureau of Prisons completes a risk and
24 needs assessment for each prisoner under
25 paragraph (1)(A) and thereafter; and

1 “(B) develop and validate the risk and
2 needs assessment tool to be used in the reas-
3 sessments of recidivism risk over time during
4 the phase-in, as prisoners are participating in
5 and completing recidivism reduction programs
6 and productive activities, and in accordance
7 with section 102 of the Prison Reform and Re-
8 demption Act.

9 “(3) PRIORITY DURING PHASE-IN.—During the
10 phase-in period described in paragraph (2), the pri-
11 ority for such programs and activities shall be ac-
12 corded based on a prisoner’s proximity to release
13 date.

14 “(4) PRELIMINARY EXPANSION OF RECIDIVISM
15 REDUCTION PROGRAMS AND AUTHORITY TO USE IN-
16 CENTIVES.—Beginning on the date of the enactment
17 of the Prison Reform and Redemption Act, the Bu-
18 reau of Prisons may begin to expand any recidivism
19 reduction programs and productive activities that
20 exist at a prison as of such date, and may offer to
21 prisoners who successfully participate in such pro-
22 gramming and activities the incentives and rewards
23 described in section 103(e) of such Act.

24 “(5) RECIDIVISM REDUCTION PARTNERSHIPS.—
25 In order to expand recidivism reduction programs

1 and productive activities, the Bureau of Prisons
2 shall develop policies for the warden of each prison
3 to enter into partnerships, subject to the availability
4 of appropriations, with any of the following:

5 “(A) Nonprofit and other private organiza-
6 tions, including faith-based, art, and commu-
7 nity-based organizations that will deliver recidi-
8 vism reduction programming on a paid or vol-
9 unteer basis.

10 “(B) Institutions of higher education (as
11 defined in section 101 of the Higher Education
12 Act of 1965 (20 U.S.C. 1001) that will deliver
13 instruction on a paid or volunteer basis.

14 “(C) Private entities that will—

15 “(i) deliver vocational training and
16 certifications;

17 “(ii) provide equipment to facilitate
18 vocational training or employment opportu-
19 nities for prisoners;

20 “(iii) employ prisoners; or

21 “(iv) assist prisoners in prerelease
22 custody or supervised release in finding
23 employment.

1 “(D) Industry-sponsored organizations
2 that will deliver workforce development and
3 training, on a paid or volunteer basis.

4 “(6) DEFINITIONS.—The terms in this sub-
5 section have the meaning given those terms in sec-
6 tion 106 of the Prison Reform and Redemption
7 Act.”.

8 (b) PRERELEASE CUSTODY.—

9 (1) IN GENERAL.—Section 3624 of title 18,
10 United States Code, is amended—

11 (A) in subsection (b)(1), by striking “cred-
12 it for the last year or portion of a year of the
13 term of imprisonment shall be prorated and
14 credited within the last six weeks of the sen-
15 tence” and inserting “credit for the last year of
16 a term of imprisonment shall be credited on the
17 first day of the last year of the term of impris-
18 onment”; and

19 (B) by adding at the end the following:

20 “(g) PRERELEASE CUSTODY FOR RISK AND NEEDS
21 ASSESSMENT SYSTEM PARTICIPANTS.—

22 “(1) ELIGIBLE PRISONERS.—

23 “(A) IN GENERAL.—This subsection ap-
24 plies in the case of a prisoner (as such term is

1 defined in section 106 of the Prison Reform
2 and Redemption Act) who—

3 “(i) has earned time credits under the
4 Post-Sentencing Risk and Needs Assess-
5 ment System developed under the Prison
6 Reform and Redemption Act (referred to
7 in this subsection as the ‘System’) in an
8 amount that is equal to the remainder of
9 the prisoner’s imposed term of imprison-
10 ment;

11 “(ii) has shown through the periodic
12 risk reassessments a demonstrated recidi-
13 vism risk reduction or has maintained a
14 lower recidivism risk, during the prisoner’s
15 term of imprisonment;

16 “(iii) has been classified by the war-
17 den of the prison as otherwise qualified to
18 be transferred into prerelease custody; and

19 “(iv) except as provided in subpara-
20 graph (B), has not been determined under
21 the System to be more likely than not to
22 recidivate.

23 “(B) EXCEPTION.—

24 “(i) RECONSIDERATION BY WAR-
25 DEN.—The warden of a prison shall, not

1 later than 30 days after receiving from a
2 prisoner who was determined under the
3 System to be more likely than not to
4 recidivate, but who is otherwise eligible for
5 prerelease custody under this subsection, a
6 request for reconsideration of the deter-
7 mination under the System that the pris-
8 oner is more likely than not to recidivate,
9 review such prisoner's request, and either
10 submit a recommendation under paragraph
11 (2), or notify the prisoner in writing that
12 the warden has reviewed the prisoner's re-
13 quest and made a determination not to
14 submit a recommendation under paragraph
15 (2).

16 “(ii) RECONSIDERATION BY DIREC-
17 TOR.—In the case that the warden of a
18 prison does not submit a recommendation
19 or notify a prisoner under clause (i) during
20 the time period described in that clause,
21 the prisoner may submit such a request for
22 reconsideration to the Director of the Bu-
23 reau of Prisons, who shall, not later than
24 60 days after receiving such a request, re-
25 view the request, and either submit a rec-

1 ommendation under paragraph (2), or no-
2 tify the prisoner in writing that the Direc-
3 tor has reviewed the prisoner’s request and
4 made a determination not to submit a rec-
5 ommendation under paragraph (2).

6 “(iii) SUBMISSION TO COURT.—In the
7 case that the Director does not submit a
8 recommendation or notify a prisoner under
9 clause (ii) during the time period described
10 in that clause, the prisoner may submit
11 such a request for reconsideration to the
12 United States district court in which the
13 prisoner was convicted. Upon making a de-
14 termination after the review of a request
15 under this clause, the court shall submit
16 such determination to the Director and to
17 the warden.

18 “(2) RECOMMENDATION PROCESS.—

19 “(A) SUBMISSION OF RECOMMENDA-
20 TION.—The warden of the prison, or the Direc-
21 tor of the Bureau of Prisons, as applicable,
22 shall submit a recommendation that the pris-
23 oner be transferred into prerelease custody to
24 the United States district court in which the
25 prisoner was convicted.

1 “(B) CONTENTS OF RECOMMENDATION.—

2 The recommendation required under subpara-
3 graph (A) shall include the following informa-
4 tion:

5 “(i) The prisoner’s behavioral record.

6 “(ii) The recidivism reduction pro-
7 gramming and productive activities the
8 prisoner participated in and completed.

9 “(iii) The amount of time credits
10 earned by the prisoner.

11 “(iv) The risk assessments and reas-
12 sessments of the prisoner.

13 “(v) The nature of the prisoner’s
14 planned prerelease custody and super-
15 vision, which should be based on the infor-
16 mation described in clauses (i) through
17 (iv), and on the prerelease custody option
18 that is found to be most effective for pris-
19 oners with that risk of recidivating.

20 “(vi) The anticipated date of the pris-
21 oner’s transfer into prerelease custody.

22 “(C) APPROVAL OR DENIAL.—

23 “(i) IN GENERAL.—Not later than 30
24 days after the submission of a rec-
25 ommendation under subparagraph (A), a

1 judge for such court shall approve or deny
2 the recommendation, except that a judge
3 may only deny such a recommendation if
4 the judge finds by clear and convincing evi-
5 dence that the prisoner should not be
6 transferred into prerelease custody based
7 only on evidence of the prisoner's actions
8 after the conviction of such prisoner and
9 not based on evidence from the underlying
10 conviction, and submits a detailed written
11 statement regarding such finding to the
12 warden of the prison who recommended
13 that the prisoner be transferred into
14 prerelease custody.

15 “(ii) HEARING.—The court may hold
16 a hearing in order to make a determination
17 under clause (i). The prisoner shall have
18 the right to be present at the hearing,
19 which right may be satisfied through the
20 use of video teleconference.

21 “(iii) FAILURE TO DENY TREATED AS
22 APPROVAL.—The failure of a judge to ap-
23 prove or deny a recommendation to trans-
24 fer at the end of the 30-day period de-

1 scribed in clause (i) shall be treated as an
2 approval of such recommendation.

3 “(3) PLACEMENT OF PRISONER IN PRERELEASE
4 CUSTODY.—Upon the approval of a recommendation
5 under paragraph (2)(C)(i), or 30 days after the war-
6 den or the Director submits a recommendation
7 under paragraph (2)(A), whichever occurs earlier,
8 the prisoner shall be placed in prerelease custody in
9 accordance with this subsection.

10 “(4) TYPES OF PRERELEASE CUSTODY.—A
11 prisoner may be placed in prerelease custody as fol-
12 lows:

13 “(A) HOME CONFINEMENT.—

14 “(i) IN GENERAL.—A prisoner placed
15 in prerelease custody pursuant to this sub-
16 section who is placed in home confinement
17 shall—

18 “(I) be subject to 24-hour elec-
19 tronic monitoring that enables the
20 prompt identification of any violation
21 of subclause (II);

22 “(II) remain in the prisoner’s
23 residence, except that the prisoner
24 may leave the prisoner’s home in
25 order to, subject to the approval of

1 the Director of the Bureau of Pris-
2 ons—

3 “(aa) perform a job or job-
4 related activities, including an
5 apprenticeship, or participate in
6 job-seeking activities;

7 “(bb) participate in recidi-
8 vism reduction programming or
9 productive activities assigned by
10 the System, or similar activities;

11 “(cc) perform community
12 service;

13 “(dd) participate in crime
14 victim restoration activities;

15 “(ee) receive medical treat-
16 ment; or

17 “(ff) attend religious activi-
18 ties; and

19 “(III) comply with such other
20 conditions as the Director determines
21 appropriate.

22 “(ii) ALTERNATE MEANS OF MONI-
23 TORING.—If the electronic monitoring of a
24 prisoner described in clause (i)(I) is infea-
25 sible for technical or religious reasons, the

1 Director of the Bureau of Prisons may use
2 alternative means of monitoring a prisoner
3 placed in home confinement that the Direc-
4 tor determines are as effective or more ef-
5 fective than the electronic monitoring de-
6 scribed in clause (i)(I).

7 “(iii) MODIFICATIONS.—The Director
8 of the Bureau of Prisons may modify the
9 conditions described in clause (i) if the Di-
10 rector determines that a compelling reason
11 exists to do so, and that the prisoner has
12 demonstrated exemplary compliance with
13 such conditions.

14 “(iv) DURATION.—Except as provided
15 in paragraph (6), a prisoner who is placed
16 in home confinement shall remain in home
17 confinement until the prisoner has served
18 not less than 85 percent of the prisoner’s
19 imposed term of imprisonment.

20 “(B) COMMUNITY SUPERVISION.—A pris-
21 oner placed in prerelease custody pursuant to
22 this subsection who is placed on community su-
23 pervision—

1 “(i) shall be subject to such conditions
2 as the Director of the Bureau of Prisons
3 determines appropriate;

4 “(ii) may remain on community su-
5 pervision until the conclusion of the pris-
6 oner’s sentence; and

7 “(iii) may only be placed on commu-
8 nity supervision if the duration of the pris-
9 oner’s eligibility for community supervision
10 is equal to or longer than the duration of
11 the prisoner’s remaining period of
12 prerelease custody.

13 “(C) RESIDENTIAL REENTRY CENTER.—A
14 prisoner placed in prerelease custody pursuant
15 to this subsection who is placed at a residential
16 reentry center shall be subject to such condi-
17 tions as the Director of the Bureau of Prisons
18 determines appropriate.

19 “(5) DETERMINATION OF CONDITIONS.—In de-
20 termining appropriate conditions for prisoners
21 placed in prerelease custody pursuant to this sub-
22 section, the Director of the Bureau of Prisons shall,
23 to the extent practicable, provide that increasingly
24 less restrictive conditions shall be imposed on pris-
25 oners who demonstrate continued compliance with

1 the conditions of such prerelease custody, so as to
2 most effectively prepare such prisoners for reentry.

3 “(6) VIOLATIONS OF CONDITIONS.—If a pris-
4 oner violates a condition of the prisoner’s prerelease
5 custody, the Director of the Bureau of Prisons may
6 revoke the prisoner’s prerelease custody and require
7 the prisoner to serve the remainder of the term of
8 imprisonment to which the prisoner was sentenced,
9 or any portion thereof, in prison, or impose such ad-
10 ditional conditions on the prisoner’s prerelease cus-
11 tody as the Director of the Bureau of Prisons deter-
12 mines appropriate.

13 “(7) ISSUANCE OF GUIDELINES.—The Attorney
14 General, in consultation with the Assistant Director
15 for the Office of Probation and Pretrial Services,
16 shall issue guidelines, for use by the Bureau of Pris-
17 ons in determining—

18 “(A) appropriate type of prerelease custody
19 and level of supervision for a prisoner placed on
20 prerelease custody pursuant to this subsection;
21 and

22 “(B) consequences for a violation of a con-
23 dition of such prerelease custody by such a pris-
24 oner, including a return to prison and a reas-

1 assessment of recidivism risk level under the Sys-
2 tem.

3 “(8) AGREEMENTS WITH UNITED STATES PRO-
4 BATION AND PRETRIAL SERVICES.—The Director of
5 the Bureau of Prisons shall, to the greatest extent
6 practicable, enter into agreements with the United
7 States Probation and Pretrial Services to supervise
8 prisoners placed in home confinement or community
9 supervision under this subsection. Such agreements
10 shall—

11 “(A) authorize United States Probation
12 and Pretrial Services to exercise the authority
13 granted to the Director pursuant to paragraphs
14 (4) and (5);

15 “(B) take into account the resource re-
16 quirements of United States Probation and
17 Pretrial Services as a result of the transfer of
18 Bureau of Prisons prisoners to prerelease cus-
19 tody; and

20 “(C) provide for the transfer of such funds
21 as may be necessary to comply with such re-
22 quirements.

23 “(9) ASSISTANCE.—United States Probation
24 and Pretrial Services shall, to the greatest extent
25 practicable, offer assistance to any prisoner not

1 under its supervision during prerelease custody
2 under this subsection.

3 “(10) MENTORING SERVICES.—Any prerelease
4 custody into which a prisoner is placed under this
5 subsection may not prohibit the prisoner from re-
6 ceiving mentoring services from a person who pro-
7 vided such services to the prisoner while the prisoner
8 was incarcerated, except that the warden of the fa-
9 cility at which the prisoner was incarcerated may
10 waive the requirement under this paragraph if the
11 warden finds that the provision of such services
12 would pose a significant security risk to the pris-
13 oner, persons who provide such services, or any
14 other person. The warden shall provide written no-
15 tice of any such waiver to the person providing men-
16 toring services and to the prisoner.

17 “(11) TIME LIMITS INAPPLICABLE.—The time
18 limits under subsections (b) and (c) shall not apply
19 to prerelease custody under this subsection.

20 “(h) ALIEN PRISONERS SUBJECT TO DEPORTA-
21 TION.—If a prisoner who is placed in prerelease custody
22 is an alien whose deportation was ordered as a condition
23 of such prerelease custody or who is subject to a detainer
24 filed by United States Immigration and Customs Enforce-
25 ment for the purposes of determining the alien’s deport-

1 ability, United States Immigration and Customs Enforce-
2 ment shall take custody of the alien upon the alien's trans-
3 fer to prerelease custody.”.

4 (2) EFFECTIVE DATE.—The amendments made
5 by this subsection shall take effect beginning on the
6 date that the Attorney General completes and re-
7 leases the Post-Sentencing Risk and Needs Assess-
8 ment System.

9 **SEC. 106. DEFINITIONS.**

10 In this Act the following definitions apply:

11 (1) RISK AND NEEDS ASSESSMENT TOOL.—The
12 term “risk and needs assessment tool” means an ob-
13 jective and statistically validated method through
14 which information is collected and evaluated to de-
15 termine—

16 (A) the risk that a prisoner will recidivate
17 upon release from prison; and

18 (B) the recidivism reduction programs that
19 will best minimize the risk that the prisoner will
20 recidivate upon release from prison.

21 (2) RECIDIVISM REDUCTION PROGRAM.—The
22 term “recidivism reduction program” means either a
23 group or individual activity that—

24 (A) has been shown by empirical evidence
25 to reduce recidivism or is based on research in-

1 dicating that it is likely to be effective in reduc-
2 ing recidivism;

3 (B) is designed to help prisoners succeed
4 in their communities upon release from prison;
5 and

6 (C) may include—

7 (i) social learning and communication,
8 interpersonal, anti-bullying, rejection re-
9 sponse, and other life skills;

10 (ii) family relationship building, struc-
11 tured parent-child interaction, and par-
12 enting skills;

13 (iii) classes on morals or ethics;

14 (iv) academic classes;

15 (v) cognitive behavioral treatment;

16 (vi) mentoring;

17 (vii) substance abuse treatment;

18 (viii) vocational training;

19 (ix) faith-based classes or services;

20 (x) civic engagement and reintegrative
21 community services;

22 (xi) a prison job, including through a
23 prison work program; or

24 (xii) victim impact classes or other re-
25 storative justice programs.

1 (3) PRODUCTIVE ACTIVITY.—The term “pro-
2 ductive activity” means either a group or individual
3 activity that is designed to allow prisoners deter-
4 mined as having a low or no risk of recidivating to
5 remain productive and thereby maintain a low or no
6 risk of recidivating, and may include the delivery of
7 the programs described in paragraph (2) to other
8 prisoners.

9 (4) PRISONER.—The term “prisoner” means a
10 person who has been sentenced to a term of impris-
11 onment pursuant to a conviction for a Federal crimi-
12 nal offense, or a person in the custody of the Bureau
13 of Prisons, including a person in a Bureau of Pris-
14 ons contracted facility.

15 (5) TIME CREDIT.—The term “time credit”
16 means the equivalent of one day of a prisoner’s sen-
17 tence, such that a prisoner shall be eligible for one
18 day of prerelease custody for each credit earned.

19 (6) DRUG TRAFFICKING OFFENSE.—The term
20 “drug trafficking offense” means any crime punish-
21 able under Federal, State, or local law that prohibits
22 the manufacture, import, export, distribution, dis-
23 pensing of, or offer to sell a controlled substance or
24 counterfeit substance (as such terms are defined in
25 section 102 of the Controlled Substances Act (21

1 U.S.C. 802)) or the possession of a controlled sub-
2 stance or counterfeit substance with intent to manu-
3 facture, import, export, distribute, or dispense.

4 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There is authorized to be appro-
6 priated to carry out this Act \$50,000,000 for each of fiscal
7 years 2018 through 2022. Of the amount appropriated
8 under this subsection, 80 percent shall be reserved for use
9 by the Director of the Bureau of Prisons to implement
10 the System under section 105 and the amendments made
11 by that section.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that any savings associated with reducing recidivism
14 and reducing the prison population that result from this
15 title should be reinvested—

16 (1) into further expansion of recidivism reduc-
17 tion programs and productive activities by the Bu-
18 reau of Prisons; and

19 (2) to supplement funding for programs that
20 increase public safety by providing resources to
21 State and local law enforcement officials.

22 **SEC. 108. RULE OF CONSTRUCTION.**

23 Nothing in this Act, or the amendments made by this
24 Act, may be construed to provide authority to place a pris-
25 oner on prerelease custody who is serving a term of impris-

1 onment pursuant to a conviction for an offense under the
2 laws of one of the 50 States, or of a territory or possession
3 of the United States.

4 **TITLE II—BUREAU OF PRISONS**
5 **SECURE FIREARMS STORAGE**

6 **SEC. 201. SHORT TITLE.**

7 This title may be cited as the “Lieutenant Osvaldo
8 Albarati Correctional Officer Self-Protection Act of
9 2017”.

10 **SEC. 202. FINDINGS.**

11 Congress finds that—

12 (1) the Law Enforcement Officers Safety Act of
13 2004 (Public Law 108–277; 118 Stat. 865) gives
14 certain law enforcement officers, including certain
15 correctional officers of the Bureau of Prisons, the
16 right to carry a concealed firearm in all 50 States
17 for self-protection;

18 (2) the purpose of that Act is to allow certain
19 law enforcement officers to protect themselves while
20 off duty;

21 (3) correctional officers of the Bureau of Pris-
22 ons have been the targets of assaults and murders
23 while off duty; and

24 (4) while that Act allows certain law enforce-
25 ment officers to protect themselves off duty, the Di-

1 rector of the Bureau of Prisons allows correctional
2 officers of the Bureau of Prisons to securely store
3 personal firearms at only 33 Federal penal and cor-
4 rectional institutions while at work.

5 **SEC. 203. SECURE FIREARMS STORAGE.**

6 (a) IN GENERAL.—Chapter 303 of title 18, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 **“§ 4050. Secure firearms storage**

10 “(a) DEFINITIONS.—In this section—

11 “(1) the term ‘employee’ means a qualified law
12 enforcement officer employed by the Bureau of Pris-
13 ons; and

14 “(2) the terms ‘firearm’ and ‘qualified law en-
15 forcement officer’ have the meanings given those
16 terms under section 926B.

17 “(b) SECURE FIREARMS STORAGE.—The Director of
18 the Bureau of Prisons shall ensure that each chief execu-
19 tive officer of a Federal penal or correctional institution—

20 “(1)(A) provides a secure storage area located
21 outside of the secure perimeter of the institution for
22 employees to store firearms; or

23 “(B) allows employees to store firearms in a ve-
24 hicle lockbox approved by the Director of the Bureau
25 of Prisons; and

1 “(2) notwithstanding any other provision of
2 law, allows employees to carry concealed firearms on
3 the premises outside of the secure perimeter of the
4 institution.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENT.—
6 The table of sections for chapter 303 of title 18, United
7 States Code, as amended by this Act, is further amended
8 by adding at the end the following:

“4050. Secure firearms storage.”.

9 **TITLE III—RESTRAINTS ON**
10 **PREGNANT PRISONERS PRO-**
11 **HIBITED**

12 **SEC. 301. USE OF RESTRAINTS ON PRISONERS DURING THE**
13 **PERIOD OF PREGNANCY AND POSTPARTUM**
14 **RECOVERY PROHIBITED.**

15 (a) IN GENERAL.—Chapter 317 of title 18, United
16 States Code, is amended by inserting after section 4321
17 the following:

18 **“§ 4322. Use of restraints on prisoners during the pe-**
19 **riod of pregnancy, labor, and postpartum**
20 **recovery prohibited**

21 “(a) PROHIBITION.—Except as provided in sub-
22 section (b), beginning on the date on which pregnancy is
23 confirmed by a healthcare professional, and ending at the
24 conclusion of postpartum recovery, a prisoner in the cus-
25 tody of the Bureau of Prisons, or in the custody of the

1 United States Marshals Service pursuant to section 4086,
2 shall not be placed in restraints.

3 “(b) EXCEPTIONS.—

4 “(1) IN GENERAL.—The prohibition under sub-
5 section (a) shall not apply if—

6 “(A) an appropriate corrections official, or
7 a United States marshal, as applicable, makes
8 a determination that the prisoner—

9 “(i) is an immediate and credible
10 flight risk that cannot reasonably be pre-
11 vented by other means; or

12 “(ii) poses an immediate and serious
13 threat of harm to herself or others that
14 cannot reasonably be prevented by other
15 means; or

16 “(B) a health care professional responsible
17 for the health and safety of the prisoner deter-
18 mines that the use of restraints is appropriate
19 for the medical safety of the prisoner.

20 “(2) LEAST RESTRICTIVE RESTRAINTS.—In the
21 case that restraints are used pursuant to an excep-
22 tion under paragraph (1), only the least restrictive
23 restraints necessary to prevent the harm or risk of
24 escape described in paragraph (1) may be used.

25 “(3) APPLICATION.—

1 “(A) IN GENERAL.—The exceptions under
2 paragraph (1) may not be applied—

3 “(i) to place restraints around the an-
4 kles, legs, or waist of a prisoner;

5 “(ii) to restrain a prisoner’s hands be-
6 hind her back;

7 “(iii) to restrain a prisoner using
8 four-point restraints; or

9 “(iv) to attach a prisoner to another
10 prisoner.

11 “(B) MEDICAL REQUEST.—Notwith-
12 standing paragraph (1), upon the request of a
13 healthcare professional who is responsible for
14 the health and safety of a prisoner, a correc-
15 tions official or United States marshal, as ap-
16 plicable, shall refrain from using restraints on
17 the prisoner or remove restraints used on the
18 prisoner.

19 “(c) REPORTS.—

20 “(1) REPORT TO THE DIRECTOR AND
21 HEALTHCARE PROFESSIONAL.—If a corrections offi-
22 cial or United States marshal uses restraints on a
23 prisoner under subsection (b)(1), that official or
24 marshal shall submit, not later than 30 days after
25 placing the prisoner in restraints, to the Director of

1 the Bureau of Prisons or the Director of the United
2 States Marshals Service, as applicable, and to the
3 healthcare professional responsible for the health
4 and safety of the prisoner, a written report which
5 describes the facts and circumstances surrounding
6 the use of restraints, and includes—

7 “(A) the reasoning upon which the deter-
8 mination to use restraints was made;

9 “(B) the details of the use of restraints,
10 including the type of restraints used and length
11 of time during which restraints were used; and

12 “(C) any resulting physical effects on the
13 prisoner observed by or known to the correc-
14 tions official or United States marshal, as ap-
15 plicable.

16 “(2) SUPPLEMENTAL REPORT TO THE DIREC-
17 TOR.—Upon receipt of a report under subsection
18 (c)(1), the healthcare professional responsible for the
19 health and safety of the prisoner may submit to the
20 Director such information as the healthcare profes-
21 sional determines is relevant to the use of restraints
22 on the prisoner.

23 “(3) REPORT TO JUDICIARY COMMITTEES.—

24 “(A) IN GENERAL.—Not later than 1 year
25 after the date of enactment of this Act, and an-

1 nually thereafter, the Director of the Bureau of
2 Prisons and the Director of the United States
3 Marshals Service shall each submit to the Judi-
4 ciary Committee of the Senate and of the
5 House of Representatives a report that certifies
6 compliance with this section and includes the
7 information required to be reported under para-
8 graph (1).

9 “(B) PERSONALLY IDENTIFIABLE INFOR-
10 MATION.—The report under this paragraph
11 shall not contain any personally identifiable in-
12 formation of any prisoner.

13 “(d) NOTICE.—Not later than 48 hours after the con-
14 firmation of a prisoner’s pregnancy by a health care pro-
15 fessional, that prisoner shall be notified by an appropriate
16 health care professional, corrections official, or United
17 States marshal, as applicable, of the restrictions on the
18 use of restraints under this section.

19 “(e) VIOLATION REPORTING PROCESS.—The Direc-
20 tor of the Bureau of Prisons, in consultation with the Di-
21 rector of the United States Marshals Service, shall estab-
22 lish a process through which a prisoner may report a viola-
23 tion of this section.

24 “(f) TRAINING.—

1 “(1) IN GENERAL.—The Director of the Bureau
2 of Prisons and the Director of the United States
3 Marshals Service shall each develop training guide-
4 lines regarding the use of restraints on female pris-
5 oners during the period of pregnancy, labor, and
6 postpartum recovery, and shall incorporate such
7 guidelines into appropriate training programs. Such
8 training guidelines shall include—

9 “(A) how to identify certain symptoms of
10 pregnancy that require immediate referral to a
11 health care professional;

12 “(B) circumstances under which the excep-
13 tions under subsection (b) would apply;

14 “(C) in the case that an exception under
15 subsection (b) applies, how to apply restraints
16 in a way that does not harm the prisoner, the
17 fetus, or the neonate;

18 “(D) the information required to be re-
19 ported under subsection (c); and

20 “(E) the right of a health care professional
21 to request that restraints not be used, and the
22 requirement under subsection (b)(3)(B) to com-
23 ply with such a request.

24 “(2) DEVELOPMENT OF GUIDELINES.—In de-
25 veloping the guidelines required by paragraph (1),

1 the Directors shall each consult with health care
2 professionals with expertise in caring for women
3 during the period of pregnancy and postpartum re-
4 covery.

5 “(g) DEFINITIONS.—For purposes of this section:

6 “(1) The term ‘postpartum recovery’ means the
7 six-week period, or longer as determined by the
8 healthcare professional responsible for the health
9 and safety of the prisoner, following delivery, and
10 shall include the entire period that the prisoner is in
11 the hospital or infirmary.

12 “(2) The term ‘restraints’ means any physical
13 or mechanical device used to control the movement
14 of a prisoner’s body, limbs, or both.

15 “(3) The term ‘prisoner’ means a person who
16 has been sentenced to a term of imprisonment pur-
17 suant to a conviction for a Federal criminal offense,
18 or a person in the custody of the Bureau of Prisons,
19 including a person in a Bureau of Prisons con-
20 tracted facility.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of chapter 317 of title 18, United States
23 Code, is amended by adding after the item relating to sec-
24 tion 4321 the following:

“4322. Use of restraints on prisoners during the period of pregnancy, labor, and
postpartum recovery prohibited.”.

1 **TITLE IV—MISCELLANEOUS**

2 **SEC. 401. DE-ESCALATION TRAINING.**

3 Beginning not later than 1 year after the date of the
4 enactment of this Act, the Director of the Bureau of Pris-
5 ons shall incorporate into training programs provided to
6 officers and employees of the Bureau of Prisons (including
7 officers and employees of an organization with which the
8 Bureau of Prisons has a contract to provide services relat-
9 ing to imprisonment) specialized and comprehensive train-
10 ing in procedures to—

11 (1) de-escalate encounters between a law en-
12 forcement officer or an officer or employee of the
13 Bureau of Prisons, and a civilian or a prisoner (as
14 such term is defined in section 106 of this Act); and

15 (2) identify and appropriately respond to inci-
16 dents that involve the unique needs of individuals
17 who have a mental illness or cognitive deficit.

18 **SEC. 402. MEDICATION-ASSISTED TREATMENT FOR OPIOID** 19 **AND HEROIN ABUSE.**

20 (a) **REPORT ON MEDICATION-ASSISTED TREATMENT**
21 **FOR OPIOID AND HEROIN ABUSE.**—Not later than 90
22 days after the date of the enactment of this Act, the Direc-
23 tor of the Bureau of Prisons shall submit to the Commit-
24 tees on the Judiciary and the Committees on Appropria-
25 tions of the Senate and of the House of Representatives

1 a report assessing the availability of and the capacity of
2 the Bureau of Prisons to treat heroin and opioid abuse
3 through medication-assisted treatment. The report shall
4 include a description of plans to expand access to medica-
5 tion-assisted treatment for heroin and opioid abuse for
6 prisoners in appropriate cases. Following submission, the
7 Director shall take steps to implement these plans.

8 (b) REPORT ON THE AVAILABILITY OF MEDICATION-
9 ASSISTED TREATMENT FOR OPIOID AND HEROIN ABUSE,
10 AND IMPLEMENTATION THEREOF.—Not later than 90
11 days after the date of the enactment of this Act, the Direc-
12 tor of the Administrative Office of the United States
13 Courts shall submit to the Committees on the Judiciary
14 and the Committees on Appropriations of the Senate and
15 of the House of Representatives a report assessing the
16 availability of and capacity for the provision of medication-
17 assisted treatment for opioid and heroin abuse by treat-
18 ment-service providers serving prisoners who are serving
19 a term of supervised release, and including a description
20 of plans to expand access to medication assisted treatment
21 for heroin and opioid abuse whenever appropriate among
22 prisoners under supervised release. Following submission,
23 the Director will take steps to implement these plans.

1 **SEC. 403. MONITORING OF ELECTRONIC COMMUNICATIONS**
2 **BETWEEN PRISONER AND ATTORNEY.**

3 (a) PROHIBITION ON MONITORING.—Not later than
4 180 days after the date of the enactment of this Act, the
5 Attorney General shall modify any program or system
6 through which a prisoner (as such term is defined in sec-
7 tion 106) sends or receives an electronic communication
8 (as such term is defined in section 2510 of title 18, United
9 States Code, and including the Trust Fund Limited In-
10 mate Computer System) to exclude from monitoring the
11 contents (as such term is defined in section 2510 of title
12 18, United States Code) of an electronic communication
13 between a prisoner in a Bureau of Prisons facility and
14 his or her attorney or other legal representative.

15 (b) RETENTION OF CONTENTS.—The modification
16 required under subsection (a) may allow for the retention
17 of the contents of the electronic communications described
18 in subsection (a).

19 (c) EXCEPTION.—If a court of competent jurisdiction
20 determines that there is sufficient evidence to support a
21 reasonable belief of the Government that the information
22 contained in an electronic communication described in
23 subsection (a) was for the purpose of perpetrating a fraud
24 or crime, an in camera review of the contents of the com-
25 munication may be conducted.

1 **SEC. 404. PILOT PROGRAMS.**

2 (a) IN GENERAL.—The Bureau of Prisons shall es-
3 tablish each of the following pilot programs for 2 years,
4 in at least 10 facilities:

5 (1) MENTORSHIP FOR YOUTH.—A program to
6 pair youth with volunteers from faith-based or com-
7 munity organizations, which may include formerly
8 incarcerated offenders, that have relevant experience
9 or expertise in mentoring, and a willingness to serve
10 as a mentor in such a capacity.

11 (2) SERVICE TO ABANDONED, RESCUED, OR
12 OTHERWISE VULNERABLE ANIMALS.—A program to
13 equip prisoners with the skills to provide training
14 and therapy to animals seized by Federal law en-
15 forcement under asset forfeiture authority and to or-
16 ganizations that provide shelter and similar services
17 to abandoned, rescued, or otherwise vulnerable ani-
18 mals.

19 (b) REPORTING REQUIREMENT.—Not later than one
20 year after the conclusion of the pilot programs, the Attor-
21 ney General shall report to Congress on the results of the
22 pilot programs under this section. Such report shall in-
23 clude cost savings, numbers of participants, and informa-
24 tion about recidivism rates among participants.

25 (c) DEFINITION.—In this title, the term “youth”
26 means a prisoner (as such term is defined in section 106)

1 who was 21 years of age or younger at the time of the
2 commission or alleged commission of the criminal offense
3 for which the individual is being prosecuted or serving a
4 term of imprisonment, as the case may be.

5 **SEC. 405. ENSURING SUPERVISION OF RELEASED SEXU-**
6 **ALLY DANGEROUS PERSONS.**

7 (a) PROBATION OFFICERS.—Section 3603 of title 18,
8 United States Code, is amended in paragraph (8)(A) by
9 striking “or 4246” and inserting “, 4246, or 4248”.

10 (b) PRETRIAL SERVICES OFFICERS.—Section 3154
11 of title 18, United States Code, is amended in paragraph
12 (12)(A) by striking “or 4246” and inserting “, 4246, or
13 4248”.

14 **SEC. 406. DATA COLLECTION.**

15 (a) NATIONAL PRISONER STATISTICS PROGRAM.—
16 Beginning not later than one year after the date of the
17 enactment of this Act, and annually thereafter, pursuant
18 to the authority under section 302 of the Omnibus Crime
19 Control and Safe Streets Act of 1968 (42 U.S.C. 3732),
20 the Director of the Bureau of Justice Statistics, with in-
21 formation that shall be provided by the Director of the
22 Bureau of Prisons, shall include in the National Prisoner
23 Statistics Program the following:

1 (1) The number of prisoners (as such term is
2 defined in section 106 of this Act) who are veterans
3 of the Armed Forces of the United States.

4 (2) The number of prisoners who have been
5 placed in solitary confinement at any time during
6 the previous year.

7 (3) The number of female prisoners known by
8 the Bureau of Prisons to be pregnant, as well as the
9 outcomes of such pregnancies, including information
10 on pregnancies that result in live-birth, still-birth,
11 miscarriage, abortion, ectopic pregnancy, maternal
12 death, neonatal death, and preterm birth.

13 (4) The numbers of prisoners who volunteered
14 to participate in a substance abuse treatment pro-
15 gram, and the number of prisoners who have partici-
16 pated in such a program.

17 (5) The number of prisoners provided metha-
18 done or buprenorphine while in custody in order to
19 manage withdrawal or to continually treat substance
20 dependence and abuse.

21 (6) The number of prisoners who were receiving
22 methadone or buprenorphine therapy prior to the
23 commencement of their term of imprisonment.

24 (7) The number of prisoners who are the parent
25 or guardian of a minor child.

1 (8) The numbers of prisoners who are single,
2 married, or otherwise in a committed relationship.

3 (9) The number of prisoners who have not
4 achieved a GED, high school diploma, or equivalent
5 prior to entering prison.

6 (10) The number of prisoners who, during the
7 previous year, received their GED or other equiva-
8 lent certificate while incarcerated.

9 (11) The numbers of prisoners for whom
10 English is a second language.

11 (12) The number of incidents, during the pre-
12 vious year, in which restraints were used on a female
13 prisoner during pregnancy, labor, or postpartum re-
14 covery, as well as information relating to the type of
15 restraints used, and the circumstances under which
16 each incident occurred.

17 (13) The vacancy rate for medical and health
18 care staff positions, and average length of such a va-
19 cancy.

20 (14) The number of facilities that operated, at
21 any time during the previous year, without at least
22 one clinical nurse, certified paramedic, or licensed
23 physician on-site.

1 (15) The number of facilities that during the
2 previous year were accredited by the American Cor-
3 rectional Association.

4 (16) The number and type of recidivism reduc-
5 tion partnerships described in section 3621(h)(5) of
6 title 18, United States Code, entered into by each
7 facility.

8 (17) The number of facilities with remote learn-
9 ing capabilities.

10 (18) The number of facilities that offer pris-
11 oners video conferencing.

12 (19) Any changes in costs related to legal phone
13 calls and visits following implementation of section
14 403 of this Act.

15 (20) The number of aliens in prison during the
16 previous year.

17 (b) REPORT TO JUDICIARY COMMITTEES.—Begin-
18 ning not later than one year after the date of the enact-
19 ment of this Act, and annually thereafter for a period of
20 7 years, the Director of the Bureau of Justice Statistics
21 shall submit a report containing the information described
22 in paragraphs (1) through (20) of subsection (a) to the
23 Committees on the Judiciary of the House of Representa-
24 tives and of the Senate.

1 **SEC. 407. FEDERAL PRISONER REENTRY INITIATIVE REAU-**
2 **THORIZATION; MODIFICATION OF IMPOSED**
3 **TERM OF IMPRISONMENT.**

4 (a) FEDERAL PRISONER REENTRY INITIATIVE.—
5 Section 231 of the Second Chance Act of 2007 (42 U.S.C.
6 17541) is amended—

7 (1) in subsection (g)—

8 (A) in paragraph (1)(B) by inserting after
9 “the Attorney General may” the following: “,
10 upon written request from the Director of the
11 Bureau of Prisons or an eligible elderly of-
12 fender,”;

13 (B) in paragraph (3), by striking “carried
14 out during fiscal years 2009 and 2010” and in-
15 serting “carried out during fiscal years 2018
16 through 2022”; and

17 (C) in paragraph (5)(A)—

18 (i) in clause (i), by striking “65
19 years” and inserting “60 years”; and

20 (ii) by amending clause (ii) to read as
21 follows:

22 “(ii) who is serving a term of impris-
23 onment that is not based on a conviction
24 for an offense described in section
25 102(e)(2)(C) of the Prison Reform and Re-
26 demption Act, and has served not less than

1 $\frac{2}{3}$ of the term of imprisonment to which
2 the offender was sentenced;”;

3 (2) by striking subsection (h);

4 (3) by redesignating subsection (i) as subsection
5 (h); and

6 (4) in subsection (h), as so redesignated, by
7 striking “2009 and 2010” and inserting “2018
8 through 2022”.

9 (b) **MODIFICATION OF IMPOSED TERM OF IMPRISON-**
10 **MENT.**—Section 3582(c)(1)(A) of title 18, United States
11 Code, is amended—

12 (1) in the matter preceding clause (i), by insert-
13 ing after “Director of the Bureau of Prisons” the
14 following: “or, if the Director does not make such a
15 motion 30 days after receiving a request to make
16 such a motion from the defendant, of the defend-
17 ant”; and

18 (2) in clause (ii), by inserting after “the Direc-
19 tor of the Bureau of Prisons” the following: “, or
20 the court in the case that the court is considering
21 a motion of the defendant”.

22 **SEC. 408. RELEASE COORDINATION.**

23 (a) **DESIGNATION OF RELEASE PREPARATION COOR-**
24 **DINATOR.**—The Director of the Bureau of Prisons shall
25 designate one officer or employee of the Bureau of Prisons

1 at each facility that houses prisoners, as the release prepa-
2 ration coordinator, who shall be responsible for deter-
3 mining the general release needs of the prisoner popu-
4 lation and developing and implementing an institution re-
5 lease preparation program to address those needs.

6 (b) RELEASE PLAN.—Each prisoner shall develop a
7 comprehensive release plan in conjunction with an institu-
8 tion release preparation program, with individualized as-
9 sistance from an officer or employee of the Bureau of Pris-
10 ons who is dedicated to and experienced in release prepa-
11 ration, including employment and housing counseling.

○