

# The First Step Act of 2018

## One Year of Implementation

The First Step Act of 2018<sup>1</sup> contains numerous provisions relating to sentencing, prison programming, recidivism reduction efforts, and reentry procedures.

The United States Sentencing Commission examined implementation of the five provisions related to sentencing reform after one year of enactment (“Year One”).

This infographic presents a summary of the Commission’s findings.

*Click any section to go to the full analysis.*

### Drug Recidivist Penalties



Changed prior offenses that trigger the recidivist penalties and reduced the length of those penalties

Enhancements under 21 U.S.C. § 851 applied to fewer offenders in Year One. When the 851 enhancements did apply at sentencing, they were less likely to involve an enhanced mandatory minimum penalty, as opposed to an enhanced maximum penalty.<sup>2</sup>

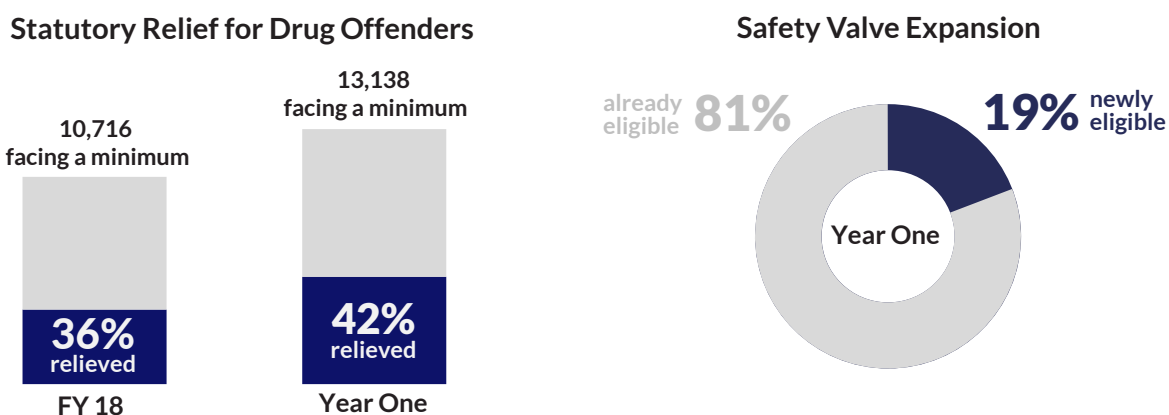


### Statutory Safety Valve




Broadened the existing statutory safety valve eligibility criteria at 18 U.S.C. § 3553(f)

Drug trafficking offenders were more likely to receive statutory safety valve relief in Year One. Most offenders were already eligible prior to the First Step Act, but about one-fifth were newly eligible under the expanded eligibility criteria.<sup>3</sup>

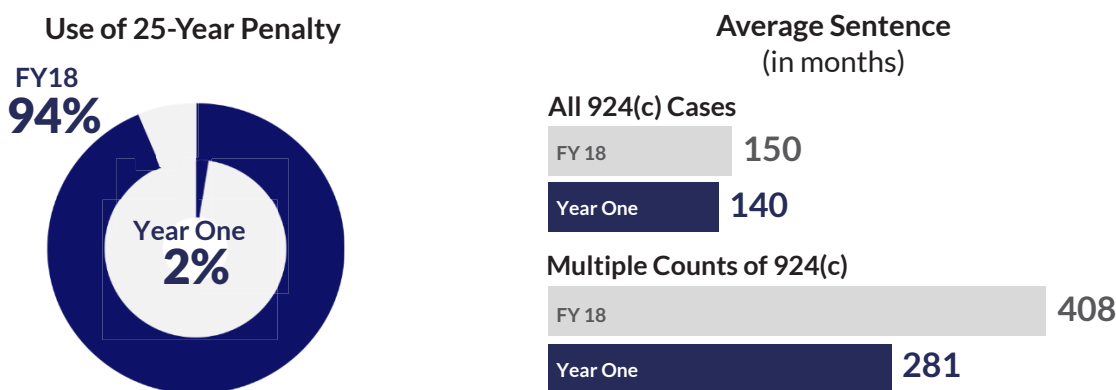


### Section 924(c) “Stacking”



Limited “stacking” of the 25-year penalty imposed under 18 U.S.C. § 924(c)

The 25-year penalty for a “second or subsequent offense” applied less frequently in Year One, and, when it did, offenders typically had a final prior firearms conviction, as opposed to multiple charges in a single case.<sup>4</sup>

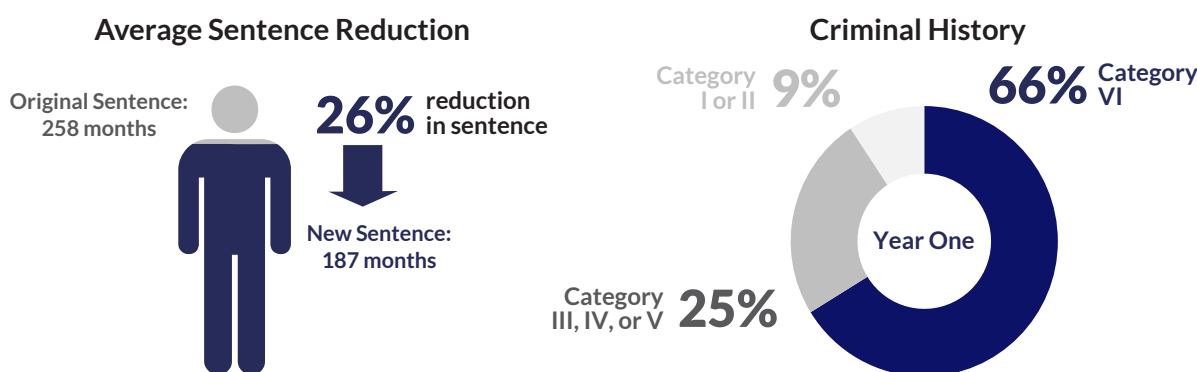


### Fair Sentencing Act of 2010




Retroactively applied the Fair Sentencing Act of 2010

In Year One, sentences for 2,387 offenders were reduced by about 6 years, on average, as a result of retroactive application of the Fair Sentencing Act of 2010. Two-thirds of these offenders were in Criminal History Category VI, and more than half were career offenders.<sup>5</sup>

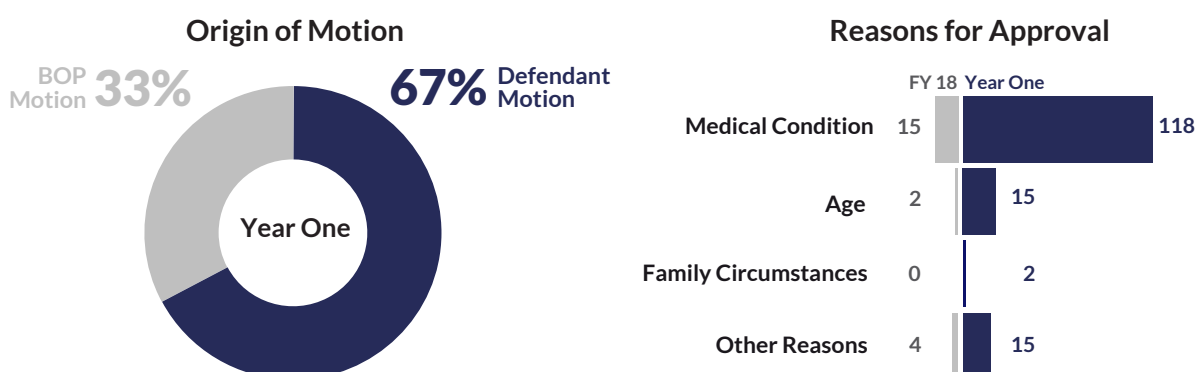


### Compassionate Release



Authorized defendants to file motions pursuant to 18 U.S.C. § 3582(c)(1)(A), where previously only the BOP was so authorized

In Year One, 145 offenders were granted compassionate release under 18 U.S.C. § 3582(c) (1)(A), a five-fold increase from fiscal year 2018, during which 24 compassionate release motions were granted.<sup>6</sup>



1. Pub. L. No. 115–391, 132 Stat. 5194 (2018).  
2. See page 7 of the report for the complete analysis.  
3. See page 17 of the report for the complete analysis.

4. See page 34 of the report for the complete analysis.  
5. See page 41 of the report for the complete analysis.  
6. See page 46 of the report for the complete analysis.

