

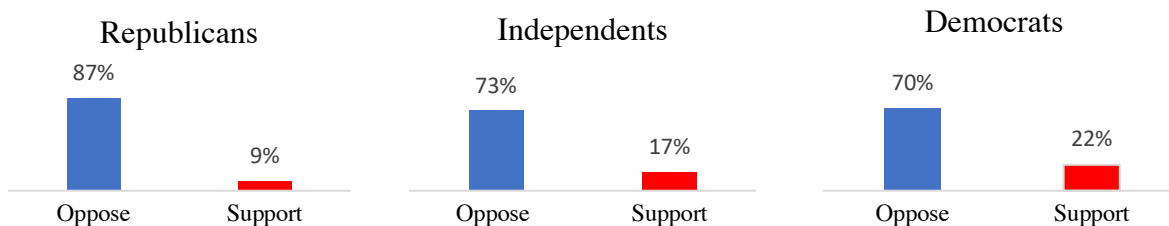
First Step Act: Reduces Penalty for Fentanyl Trafficking; *Violent Felons & Sex Offenders Also Eligible for New Early Release Credits*

The American people overwhelmingly oppose reducing the penalty for drug trafficking

“Criminal justice reform” in the abstract sounds popular. But when asked about *what this bill actually does*, **Americans strongly oppose reducing the penalty for drug trafficking—the core of the First Step Act**. According to Department of Justice attorneys, the First Step Act allows a repeat-fentanyl trafficker to be released from prison in as little as **half** the time compared to current law.

Here is what the public said when asked a straightforward question about the bill:

Do you support or oppose a proposal to reduce federal government penalties for traffickers in heroin, fentanyl, and similar drugs¹?



Violent felons and sex offenders qualify for early release

“A new Justice Department analysis found that the Senate’s bipartisan sentencing and prison reform bill could make people convicted of some sex crimes eligible for early release.” *Politico on 11/26*

Additionally, the Department of Justice has confirmed that the following crimes are eligible for the bill’s new “time credits” that can result in early release by up to one-third of a prisoner’s sentence:

1. **Failing to register as a sex offender** (18 U.S.C. § 2250)
2. **Importing aliens for prostitution** (18 U.S.C. § 1328)
3. **Female genital mutilation** (18 U.S.C. § 116)
4. **Assault with intent to commit rape or sexual abuse, except for certain (but not all) repeat offenders** (18 U.S.C. § 3559(c)(2)(F))
5. **Assaulting a law enforcement officer with a deadly weapon** (18 U.S.C. § 111(b))
6. **Threatening to murder a congressman, Senator, or government official** (18 U.S.C. § 115(a)(1)(b))
7. **Strangling a spouse or intimate partner** (18 U.S.C. § 113(a)(8))
8. **Assault resulting in substantial bodily injury to a child** (18 U.S.C. § 113(a)(7))
9. **Trafficking fentanyl, except in rare cases (more than 90% are eligible)** (18 U.S.C. § 841(b))
10. **Trafficking cocaine methamphetamines, even if convicted as a kingpin** (18 U.S.C. § 841(b))

This list is just the start. There are **dozens** of other serious, violent crimes that are missing from the bill’s ‘exclusion list’ and offenders who commit these crimes are eligible for significant early release.

¹ Survey conducted from September 13-16, 2018, interviewing 1,004 American adults administered by ORC International.

Law Enforcement Remains Opposed to the FIRST STEP Act

National Association of Assistant United States Attorneys (NAAUSA): “What is certain is that the FIRST STEP Act establishes an unprecedented framework for broad leniency, including significant reductions to the sentences of dangerous, violent offenders, upsetting the sentences imposed by federal judges under federal sentencing law and guidelines. . . . FIRST STEP proponents say this bill preserves public safety, is tough on crime, and is supported by law enforcement. The National Association of Assistant United States Attorneys believes none of these representations are true.”

Association of Federal Narcotics Agents (AFNA): “While we want to believe that your passion to get [the FIRST STEP Act] passed is pure, the net effect of your zeal to garner bi-partisan support and rush a bill through will benefit not only white-collar inmates and non-violent offenders, but also major narcotics traffickers—in other words, the worst of the worst. The result will inevitably be that street violence, drug crimes and opioid deaths will all increase.”

Bureau of Prison Locals of the AFGE (AFL-CIO): “The [FIRST STEP Act] undermines truth in sentencing, threatens public safety and substantially burdens the BOP. . . . The bottom line is that while many of these provisions are well-intentioned, as written, they simply do not work in practice. Congress can’t just keep asking our federal correctional workers to do more while continuing to provide them with less. It is a recipe for disaster in our already understaffed and overcrowded prisons.”

Federal Law Enforcement Officers Association (FLEOA): “[M]any of the issues [with the FIRST STEP Act] identified by a law enforcement coalition of organizations remain unresolved. . . . We also feel that the individuals that would be able to access early release programs cited in the bill text would further endanger our members and society as a whole, which is something we know Congress, the Administration, and the Justice Department would not intend. This would include individuals who are sex traffickers of children, unregistered sex offenders, and criminals who use dangerous weapons to assault federal agents. The simple truth is the proposed bill misses the target of true white collar non-violent offenders and ‘low level’ drug dealers, of which are few in federal prison.”

National Association of Police Organizations (NAPO): “The FIRST STEP Act tries to do too much at once, and consequently, would negatively impact public safety. States and localities would become the dumping ground for federal criminals due to the retroactive increases in good time credits and program participation credits. Further, the bill does not contain the safeguards, support and resources to states and localities that would be necessary for communities to handle the influx of parolees.”

National Narcotics Officers Associations Coalition (NNOAC): “There is little, if anything, in the proposed legislation that will actually improve public safety or the security of our communities. . . . Over the past decade, sentencing policy changes and prison reforms have already reduced prison populations to focus incarceration on the ‘worst of the worst.’ If the FIRST STEP Act is enacted, more of the ‘worst’ will get released and be rewarded with more privileges.”

Joint Letter of the National Sheriffs’ Association (NSA), Major Cities Chiefs Association (MCCA), and Major County Sheriffs of America (MCSA): “The current draft of the First Step legislation remains troubling to the leaders of law enforcement. Sheriffs are elected solely to protect our communities and Police Chiefs have taken an oath to protect the public. . . . [T]his legislation creates a high-risk path for dangerous criminals with gun crime histories to early release from prison. This amounts to a social experiment with the safety of our communities and the lives of Sheriffs, deputies and police officers in the balance.”