



December 12, 2018

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
United States Capitol S-230
Washington, D.C. 20510

The Honorable Chuck Schumer
Minority Leader
U.S. Senate
United States Capitol S-221
Washington, D.C. 20510

Toi Hutchinson
State Senator
Illinois
President, NCSL

Jon Heining
General Counsel
Legislative Council
Texas
Staff Chair, NCSL

William Pound
Executive Director

Re: The "First Step Act"

Dear Majority Leader McConnell and Minority Leader Schumer:

On behalf of the National Conference of State Legislatures (NCSL) we write in support of the bipartisan "First Step Act." This bill, while maintaining state discretion in criminal justice policies, promotes prisoner reentry, provides incentive for prisoners to participate in facility programs that prepare them for reentry, and reforms federal sentencing laws through reduced mandatory sentencing and enhanced anti-recidivism programs. These policies promote a fair, efficient and cost-effective criminal justice system that will reduce recidivism and ensure proportionate sentencing relative to the crime committed and save taxpayer money. States have been enacting sentencing and corrections laws that trend towards similar reentry reforms and federal reforms would complement those taking place at the state level.

The First Step Act also supports state and local law enforcement by requiring the Attorney General to develop a risk and needs assessment system that the Bureau of Prisons must implement to address recidivism programming and pre-release custody, thereby giving inmates a better chance at professional and personal success when they return home to their communities. Risk assessment policies have proven effective at the state level, with states such as New Hampshire, South Carolina, Arkansas and Ohio all requiring evaluation as a condition of prisoners' [pre-release](#). Kentucky requires risk and needs assessments as the offender moves through several stages of the criminal justice system including pre-sentence investigation reports for courts to determine an offender's eligibility for incarceration alternatives. State courts are also empowered with greater flexibility and discretion to use risk assessments to order offenders into drug treatment programs instead of incarceration. In our own states of Washington and Utah, risk assessments processes have been required by law since 2009 and 2015, respectively.

State reports also show that sentencing reforms have achieved cost-savings and public safety gains. Colorado has reduced the number of offenders sent to prison as a result of changes to drug laws, according to the state Division of Criminal Justice, and used savings to fund community-based treatment and related programs and services. For FY 2019 the state is allocating nearly [\\$22 million](#) for these programs and services. This type of

reinvestment has taken place in at least [22 states](#). If the First Step Act is enacted, it would realize similar tax savings, which can be reinvested to further strengthen state systems.

Recently, many states have also [revised some mandatory penalties](#), especially for nonviolent and drug offenses. Notable actions affecting drug crimes have included removing mandatory penalties associated with three-strikes policies (California, Minnesota and South Carolina) and giving courts discretion to depart from mandatory minimum sentences (Georgia, Maryland, North Dakota and Oklahoma).

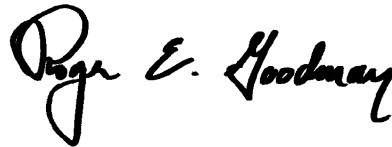
As prisoners are released from federal prisons and return to their local communities, states continue to support important programs to facilitate their reentry. The First Step Act brings federal criminal justice closer to state reform trends and offers a more cohesive justice system that furthers important shared public safety goals.

NCSL is committed to working with you and your staff on this bill as it makes its way through the Senate. Please contact NCSL staff Susan Parnas Frederick (202) 624-5400 susan.frederick@ncsl.org with any questions or concerns. Thank you.

Sincerely,



Representative Eric Hutchings, Utah
Co-Chair, NCSL Law, Criminal Justice &
Public Safety Committee



Representative Roger Goodman, Washington
Co-Chair, NCSL Law, Criminal Justice & Public
Safety Committee