

Subsec. (e)(1). Pub. L. 105-119, §123(a)(3)(A), inserted at end “Mandamus shall lie to remedy any failure to issue a prompt ruling on such a motion.”

Subsec. (e)(2). Pub. L. 105-119, §123(a)(3)(B), substituted “Any motion to modify or terminate prospective relief made under subsection (b) shall operate as a stay” for “Any prospective relief subject to a pending motion shall be automatically stayed”.

Subsec. (e)(3), (4). Pub. L. 105-119, §123(a)(3)(C), added pars. (3) and (4).

1996—Pub. L. 104-134 amended section generally, substituting provisions relating to appropriate remedies with respect to prison conditions for former provisions relating to appropriate remedies with respect to prison crowding.

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-119, title I, §123(b), Nov. 26, 1997, 111 Stat. 2471, provided that: “The amendments made by this Act [probably should be “section”, amending this section] shall take effect upon the date of the enactment of this Act [Nov. 26, 1997] and shall apply to pending cases.”

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-134, title I, §101[(a)] [title VIII, §802(b)(1)], Apr. 26, 1996, 110 Stat. 1321, 1321-70, provided that: “Section 3626 of title 18, United States Code, as amended by this section, shall apply with respect to all prospective relief whether such relief was originally granted or approved before, on, or after the date of the enactment of this title [Apr. 26, 1996].”

EFFECTIVE AND TERMINATION DATES

Pub. L. 103-322, title II, §20409(b), Sept. 13, 1994, 108 Stat. 1828, which provided that this section applied to all court orders outstanding on Sept. 13, 1994, and Pub. L. 103-322, title II, §20409(d), Sept. 13, 1994, 108 Stat. 1828, which provided for the repeal of this section 5 years after Sept. 13, 1994, were repealed by Pub. L. 104-134, title I, §101[(a)] [title VIII, §802(b)(2)], Apr. 26, 1996, 110 Stat. 1321, 1321-70; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.

SEVERABILITY

Pub. L. 104-134, title I, §101[(a)] [title VIII, §810], Apr. 26, 1996, 110 Stat. 1321, 1321-77, provided that: “If any provision of this title [see Short Title of 1996 Amendment note set out under section 3601 of this title], an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.”

SPECIAL MASTERS APPOINTED PRIOR TO APRIL 26, 1996; PROHIBITION ON USE OF FUNDS

Pub. L. 104-208, div. A, title I, §101(a) [title III, §306], Sept. 30, 1996, 110 Stat. 3009, 3009-45, provided that: “None of the funds available to the Judiciary in fiscal years 1996 and 1997 and hereafter shall be available for expenses authorized pursuant to section 802(a) of title VIII of section 101(a) of title I of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, Public Law 104-134 [amending this section], for costs related to the appointment of Special Masters prior to April 26, 1996.”

PAYMENT OF DAMAGE AWARD IN SATISFACTION OF PENDING RESTITUTION ORDERS

Pub. L. 104-134, title I, §101[(a)] [title VIII, §807], Apr. 26, 1996, 110 Stat. 1321, 1321-75, provided that: “Any compensatory damages awarded to a prisoner in connection with a civil action brought against any Federal, State, or local jail, prison, or correctional facility or against any official or agent of such jail, prison, or correctional facility, shall be paid directly to satisfy any outstanding restitution orders pending against the prisoner. The

remainder of any such award after full payment of all pending restitution orders shall be forwarded to the prisoner.”

NOTICE TO CRIME VICTIMS OF PENDING DAMAGE AWARD

Pub. L. 104-134, title I, §101[(a)] [title VIII, §808], Apr. 26, 1996, 110 Stat. 1321, 1321-76, provided that: “Prior to payment of any compensatory damages awarded to a prisoner in connection with a civil action brought against any Federal, State, or local jail, prison, or correctional facility or against any official or agent of such jail, prison, or correctional facility, reasonable efforts shall be made to notify the victims of the crime for which the prisoner was convicted and incarcerated concerning the pending payment of any such compensatory damages.”

SUBCHAPTER D—RISK AND NEEDS ASSESSMENT SYSTEM

Sec.	
3631.	Duties of the Attorney General.
3632.	Development of risk and needs assessment system.
3633.	Evidence-based recidivism reduction program and recommendations.
3634.	Report.
3635.	Definitions.

§ 3631. Duties of the Attorney General

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

- (1) the Director of the Bureau of Prisons;
- (2) the Director of the Administrative Office of the United States Courts;
- (3) the Director of the Office of Probation and Pretrial Services;
- (4) the Director of the National Institute of Justice;
- (5) the Director of the National Institute of Corrections; and

(6) the Independent Review Committee authorized by the First Step Act of 2018¹

(b) DUTIES.—The Attorney General shall—

(1) conduct a review of the existing prisoner risk and needs assessment systems in operation on the date of enactment of this subchapter;

(2) develop recommendations regarding evidence-based recidivism reduction programs and productive activities in accordance with section 3633;

(3) conduct ongoing research and data analysis on—

(A) evidence-based recidivism reduction programs relating to the use of prisoner risk and needs assessment tools;

(B) the most effective and efficient uses of such programs;

(C) which evidence-based recidivism reduction programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism; and

(D) products purchased by Federal agencies that are manufactured overseas and could be manufactured by prisoners participating in a prison work program without reducing job opportunities for other workers in the United States;

(4) on an annual basis, review, validate, and release publicly on the Department of Justice

¹ So in original. Probably should be followed by a period.

website the risk and needs assessment system, which review shall include—

(A) any subsequent changes to the risk and needs assessment system made after the date of enactment of this subchapter;

(B) the recommendations developed under paragraph (2), using the research conducted under paragraph (3);

(C) an evaluation to ensure that the risk and needs assessment system bases the assessment of each prisoner's risk of recidivism on indicators of progress and of regression that are dynamic and that can reasonably be expected to change while in prison;

(D) statistical validation of any tools that the risk and needs assessment system uses; and

(E) an evaluation of the rates of recidivism among similarly classified prisoners to identify any unwarranted disparities, including disparities among similarly classified prisoners of different demographic groups, in such rates;

(5) make any revisions or updates to the risk and needs assessment system that the Attorney General determines appropriate pursuant to the review under paragraph (4), including updates to ensure that any disparities identified in paragraph (4)(E) are reduced to the greatest extent possible; and

(6) report to Congress in accordance with section 3634.

(Added Pub. L. 115–391, title I, §101(a), Dec. 21, 2018, 132 Stat. 5195.)

REFERENCES IN TEXT

The First Step Act of 2018, referred to in subsec. (a)(6), is Pub. L. 115–391, Dec. 21, 2018, 132 Stat. 5194. For complete classification of this Act to the Code, see Short Title of 2018 Amendment note under section 1 of this title and Tables.

The date of enactment of this subchapter, referred to in subsec. (b)(1), (4)(A), is the date of enactment of Pub. L. 115–391, which was approved Dec. 21, 2018.

INDEPENDENT REVIEW COMMITTEE

Pub. L. 115–391, title I, §107, Dec. 21, 2018, 132 Stat. 5215, provided that:

“(a) IN GENERAL.—The Attorney General shall consult with an Independent Review Committee in carrying out the Attorney General's duties under sections 3631(b), 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act.

“(b) FORMATION OF INDEPENDENT REVIEW COMMITTEE.—The National Institute of Justice shall select a nonpartisan and nonprofit organization with expertise in the study and development of risk and needs assessment tools to host the Independent Review Committee. The Independent Review Committee shall be established not later than 30 days after the date of enactment of this Act [Dec. 21, 2018].

“(c) APPOINTMENT OF INDEPENDENT REVIEW COMMITTEE.—The organization selected by the National Institute of Justice shall appoint not fewer than 6 members to the Independent Review Committee.

“(d) COMPOSITION OF THE INDEPENDENT REVIEW COMMITTEE.—The members of the Independent Review Committee shall all have expertise in risk and needs assessment systems and shall include—

“(1) 2 individuals who have published peer-reviewed scholarship about risk and needs assessments in both corrections and community settings;

“(2) 2 corrections practitioners who have developed and implemented a risk assessment tool in a correc-

tions system or in a community supervision setting, including 1 with prior experience working within the Bureau of Prisons; and

“(3) 1 individual with expertise in assessing risk assessment implementation.

“(e) DUTIES OF THE INDEPENDENT REVIEW COMMITTEE.—The Independent Review Committee shall assist the Attorney General in carrying out the Attorney General's duties under sections 3631(b), 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act, including by assisting in—

“(1) conducting a review of the existing prisoner risk and needs assessment systems in operation on the date of enactment of this Act;

“(2) developing recommendations regarding evidence-based recidivism reduction programs and productive activities;

“(3) conducting research and data analysis on—

“(A) evidence-based recidivism reduction programs relating to the use of prisoner risk and needs assessment tools;

“(B) the most effective and efficient uses of such programs; and

“(C) which evidence-based recidivism reduction programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism; and

“(4) reviewing and validating the risk and needs assessment system.

“(f) BUREAU OF PRISONS COOPERATION.—The Director of the Bureau of Prisons shall assist the Independent Review Committee in performing the Committee's duties and promptly respond to requests from the Committee for access to Bureau of Prisons facilities, personnel, and information.

“(g) REPORT.—Not later than 2 years after the date of enactment of this Act, the Independent Review Committee shall submit to the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives a report that includes—

“(1) a list of all offenses of conviction for which prisoners were ineligible to receive time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and for each offense the number of prisoners excluded, including demographic percentages by age, race, and sex;

“(2) the criminal history categories of prisoners ineligible to receive time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and for each category the number of prisoners excluded, including demographic percentages by age, race, and sex;

“(3) the number of prisoners ineligible to apply time credits under section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, who do not participate in recidivism reduction programming or productive activities, including the demographic percentages by age, race, and sex;

“(4) any recommendations for modifications to section 3632(d)(4)(D) of title 18, United States Code, as added by section 101(a) of this Act, and any other recommendations regarding recidivism reduction.

“(h) TERMINATION.—The Independent Review Committee shall terminate on the date that is 2 years after the date on which the risk and needs assessment system authorized by sections 3632 and 3633 of title 18, United States Code, as added by section 101(a) of this Act, is released.”

§ 3632. Development of risk and needs assessment system

(a) IN GENERAL.—Not later than 210 days after the date of enactment of this subchapter, the