

**SENTENCE REDUCERS**

Source of Law	Safety Valve U.S.S.G. 5C1.2 18 U.S.C 3553(f) 2D1.1(b)(6)	Boot Camp 18 U.S.C. 4046	Drug Rehabilitation 18 U.S.C. §3621(e)	U.S.S.G. 5K1.1 18 U.S.C. 3553(e)	Rule 35 - FRCRP 18 U.S.C. 3553(e)	Good Time 18 U.S.C. 3624	Halfway House 18 U.S.C. 3624(c)
Requirements	<ol style="list-style-type: none"> <li>1. Statutory minimum applies under 21 U.S.C. §841, 844, 846, 960, 963.</li> <li>2. 0-1 criminal history points.</li> <li>3. No violence or guns.</li> <li>4. Offense didn't result in death or serious injury.</li> <li>5. Not leader or organizer under 3B1.1 or CCE.</li> <li>6. By sentencing have provided government with information about offense and relevant conduct.</li> </ol>	<ol style="list-style-type: none"> <li>1. Defendant volunteers.</li> <li>2. Sentenced to more than 12 months, no more than 60 months.</li> <li>3. U.S. or naturalized citizens.</li> <li>4. First time in prison or minor history of prior incarceration.</li> <li>5. Minimum custody security classification.</li> <li>6. Good health, generally under 35 years old.</li> <li>7. No detainers or pending charges.</li> </ol>	<ol style="list-style-type: none"> <li>1. Defendant volunteers.</li> <li>2. Defendant have documented substance abuse problem.</li> <li>3. Convicted of non-violence offense. (Current BOP regulations provide felon in possession and drug convictions with gun enhancements are violent offenses.)</li> <li>4. No detainers or INS holds.</li> </ol>	<ol style="list-style-type: none"> <li>1. Motion of government at or prior to sentencing.</li> <li>2. For "substantial assistance to authorities", but court can evaluate significance, nature, extent and timeliness of assistance and truthfulness, completeness, and reliability of any testimony plus injury or danger to defendant and family.</li> </ol>	<ol style="list-style-type: none"> <li>1. Motion of government after sentencing, but within one year of sentencing, though in practice does include cooperation before defendant sentenced. A "place holder" motion can be filed within one year to permit gov. to evaluate cooperation.</li> <li>2. For "substantial assistance" - based on same criteria as 5K1.1 departures.</li> </ol>	<ol style="list-style-type: none"> <li>1. Sentenced to more than one year, less than natural life.</li> <li>2. Compliance with prison disciplinary regulations.</li> <li>3. Getting GED considered by BOP in awarding good time.</li> </ol>	<p>BOP can put defendant prisoner into a halfway house to "reintegrate" into community, not to exceed 6 months, or last 10% of defendant's sentence.</p>
Results	<p>Can reduce any drug sentence, with 2 additional levels off, including any mandatory minimum statutory term to Guideline sentencing range.</p>	<p>Can reduce prison time by one year or more, includes longer halfway house time than otherwise permitted under statute.</p>	<p>Can reduce sentence up to no more than one year.</p>	<p>No limit on departure downward from Guideline sentencing range that court can make at sentencing.</p>	<p>No limit on departure downward from Guideline sentence or statutory minimum once government "opens door" by making motion.</p>	<p>54 days per year can be deducted from sentence, or 15 percent, at least that is what statute says. In practice, BOP permits 12.8% or 47 days per year.</p>	<p>Get out of prison up to 6 months prior to sentence expiration.</p>

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Notes	Sentencing court decides. Under 2D1.1(b)(6) get an additional 2 levels off. Does not have to be debriefing; information to prosecutor or agent, not judge or probation officer. Minimum offense level 17 under 5C1.2 eliminated.	In BOP discretion, history of violence can bar eligibility. If flunk out, not held against defendant. Men - Lompoc, CA. and Lewisburg, PA. Women - Bryan, TX. If sentenced to more than 30 but less than 60 months, eligibility reviewed once time left to serve 30 months.	In BOP discretion. Possible that prior convictions for crimes of violence can bar eligibility. Can't get both Boot Camp and Drug Rehab reduction.	Sentencing court's discretion. Cannot reduce statutory minimum based also on 18 U.S.C. §3553(e). Best to obtain §3553(e) motion prior to sentencing.	Sentencing court's discretion. A Rule 35 motion has to be filed with reference to 18 U.S.C. 3553(e) to reduce statutory minimum.	In BOP discretion. Reduction is prorated for last year if not full one year. Serve less time for sentence of 1 year 1 day than for 11 month or 12 month sentence.	In BOP discretion. Depends on places available in halfway houses and institutional adjustment before release.
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