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ROLAND G. RIOPELLE
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*ADMITTED IN NY & NJ

December 22, 2018

BY ECF and FAX

Hon. Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street, Rm. 755
New York, NY 10007

Re: United States v. Annette Bongiorno, et al.,
S2 10 Cr. 228 (LTS)

Dear Judge Swain:

I write to request that the Court enter an order directing the Bureau of Prisons to release Ms. Bongiorno to home confinement no later than March 19, 2019. The reasons for this application are as follows.

At the time it sentenced Mrs. Bongiorno, the Court included in its Judgment a recommendation that Mrs. Bongiorno be designated to serve her final 12 months in custody as home confinement. A copy of the Court's Judgment is attached as Exhibit A, and page 3 of the Judgment reads "[t]he Court recommends to the BOP that the defendant serve the final 12 months of her sentence in home confinement." Thereafter, in response to an application from Mrs. Bongiorno, the Court was kind enough to write Mrs. Bongiorno's warden in Coleman, Florida on October 26, 2017, requesting that Mrs. Bongiorno be released to a halfway house at the earliest opportunity, and that six months of her "readjustment" period "be served in home confinement, as authorized by 18 U.S.C. § 3624(c)(2)." A copy of the Court's October 26, 2017 letter to the warden of FCI Coleman is attached as Exhibit B. I respectfully submit that the Court included the language quoted above in its Judgment and then wrote its October 26, 2017 letter because it recognized that Mrs. Bongiorno is an appropriate candidate to serve as much of her sentence as possible in home confinement.

Mrs. Bongiorno's "Release Date" is listed on the Bureau of Prisons website as May 1, 2020. Under the law in effect at the time the Court issued its October 26, 2017 letter, the maximum amount of time my client could spend in home confinement was 6 months, and the maximum amount of prerelease custody that the Bureau of Prisons could

grant Mrs. Bongiorno was one year. See 18 U.S.C. § 3624(c)(1) and (2). Thus, if the Bureau of Prisons honored the Court's October 26, 2017 request, Mrs. Bongiorno would be released to a halfway house on or about May 1, 2019, and to home confinement some time thereafter, since Mrs. Bongiorno would be eligible for favorable treatment in the form of early release to home confinement under the Federal Prisoner Reentry Initiative, 34 U.S.C. § 60541, given her age (Mrs. Bongiorno is now 70).

As the Court may know, President Trump signed the First Step Act on December 20, 2018. Under section 603 of the First Step Act, Mrs. Bongiorno is eligible for direct release to home confinement after serving 2/3 of her sentence of custodial confinement, given her advanced age. Moreover, the new statute permits her to make a direct application to the Court for this relief, and Mrs. Bongiorno respectfully makes the application contained in this letter to avail herself of this relief. The relevant section of the First Step Act is attached to this letter as Exhibit C.

Mrs. Bongiorno surrendered to FCI Coleman and began serving her sentence as directed by the Court on February 19, 2015. See Exhibit A. Two thirds of Mrs. Bongiorno's custodial sentence of 72 months amounts to 49 months. 49 months from February 19, 2015 is March 19, 2019. Therefore, if the Court grants Mrs. Bongiorno's application, it should order that Mrs. Bongiorno be released to home confinement no later than March 19, 2019.

I note for the Court's information that Mrs. Bongiorno continues to be a model prisoner. She has now served nearly four years of her sentence without a disciplinary violation of any kind. She continues to cooperate fully with the Bankruptcy Trustee, and as recently as last week, I was with her when the Bankruptcy Trustee's counsel interviewed her for two days. Next month, she expects to provide a third deposition to the Bankruptcy Trustee in response to the Trustee's request.

I am pleased to report that Mrs. Bongiorno is in generally good spirits, although she does find the Holiday Season a bit depressing. She is in decent health for a 70 year old, but suffers from the aches and pains that come with age, and she continues to struggle with her pulmonary problems – asthma and COPD. She remains an “old fashioned” family oriented person, who would benefit greatly from the release to home confinement that the First Step Act provides, because it would permit her to see more of her extended family more often than she is able to do so now.

If the Court is inclined to grant this application, it may do so by executing this letter at the "So Ordered" signature line below. And whatever the Court's decision may be, Mrs. Bongiorno and I wish Your Honor a Happy Holiday Season and a healthy 2019.

Respectfully submitted,


Roland G. Riopelle

Cc: United States Attorney's Office, SDNY (By ECF)

The Defendant, Annette Bongiorno, having made application pursuant to the First Step Act for release to home confinement after serving two thirds of the sentence originally imposed by the Court, and good cause appearing to grant this application,

IT IS ORDERED, that the Bureau of Prisons release Annette Bongiorno to home confinement no later than March 19, 2019.

IT IS SO ORDERED:

HON. LAURA TAYLOR SWAIN
U. S. D. J.

EXHIBIT A

UNITED STATES DISTRICT COURT

Southern District of New York

UNITED STATES OF AMERICA

v.

ANNETTE BONGIORNO

JUDGMENT IN A CRIMINAL CASE

Case Number: 01:S10 10crim228-04 (LTS)

USM Number: 96064-004

Roland G. Riopelle, Esq.
Defendant's Attorney

THE DEFENDANT:

☐ pleaded guilty to count(s)☐ pleaded nolo contendere to count(s)
which was accepted by the court.X was found guilty on count(s) One, Six, Nine, Twelve, Twenty-Five, Twenty-Six, Twenty-Seven, Twenty-Eight, Twenty-Nine & Thirty
after a plea of not guilty.


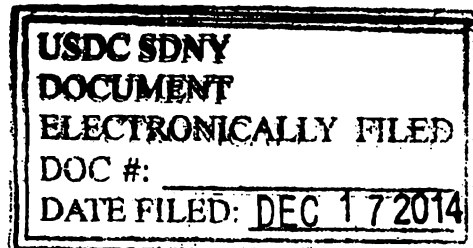
The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC 371	Conspiracy to defraud investment advisory clients.	12/11/2008	One (1)
15 USC 78j(b) and 78ff and 17 CFR Section 240.10b-5	Securities fraud.	12/11/2008	Six (6)

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)X Count(s) any pending ☐ is X are dismissed on the motion of the United States.X Underlying Indictment(s) ☐ is X are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

December 9, 2014
Date of Imposition of Judgment
Signature of JudgeLaura Taylor Swain, U.S.D.J.
Name and Title of JudgeDecember 15, 2014
Date

DEFENDANT: ANNETTE BONGIORNO
CASE NUMBER: 01:S10 10crim228-04 (LTS)

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
15 USC 78q(a) and 78ff and 17 CFR Section 240.17a-3	Falsifying records of a broker dealer.	12/11/2008	Nine (9)
15 USC 80b-4 and 80b- and 17 CFR Section 275.204-2	Falsifying records of an investment advisor.	12/11/2008	Twelve (12)
26 USC 7201	Tax Evasion.	4/15/2005	Twenty-Five (25)
26 USC 7201	Tax Evasion.	4/15/2006	Twenty-Six (26)
26 USC 7201	Tax Evasion.	4/15/2007	Twenty-Seven (27)
26 USC 7201	Tax Evasion.	4/15/2008	Twenty- Eight (28)
26 USC 7201	Tax Evasion.	10/15/2009	Twenty-Nine (29)
26 USC 7212(a)	Attempts to interfere with Administration of IRS Laws.	2008	Thirty (30)

DEFENDANT: ANNETTE BONGIORNO
CASE NUMBER: 01:S10 10crim228-04 (LTS)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

60 months of imprisonment as to each of Counts One (1), Nine (9), Twelve (12), Twenty-Five (25), Twenty-Six (26), Twenty-Seven (27), Twenty-Eight (28) and Twenty-Nine (29), to run concurrently.

72 months of imprisonment as to Count Six (6), to run concurrently with the sentences on the other counts of conviction.

36 months of imprisonment as to Count Thirty (30), to run concurrently with the sentences on the other counts of conviction.

The total custodial sentence is 72 months of imprisonment.

X The court makes the following recommendations to the Bureau of Prisons:

that the defendant be designated to the FCI Coleman Women's Satellite Camp, in Florida, in order to facilitate the maintenance of family ties and for health reasons.

The Court recommends to the BOP that the defendant serve the final 12 months of her sentence in home confinement.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at ☐ a.m. ☐ p.m. on

☐ as notified by the United States Marshal.

X The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

X before 2 p.m. on February 19, 2015

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on

to

a

, with a certified copy of this judgment.

UNITED STATES MARSHAL

By

DEPUTY UNITED STATES MARSHAL

DEFENDANT: ANNETTE BONGIORNO
CASE NUMBER: 01:S10 10crim228-04 (LTS)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

1 year of supervised release as to each of Counts One (1), Six (6), Nine (9), Twelve (12), Twenty-Five (25), Twenty-Six (26), Twenty-Seven (27), Twenty-Eight (28), Twenty-Nine (29) and Thirty (30), to run concurrently.

The total supervised release term is 1 year.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall pay the special assessment imposed or adhere to a court-ordered installment schedule for the payment of the special assessment;
- 15) the defendant shall notify the probation officer of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay any unpaid amount of restitution, fines, or special assessment.

DEFENDANT: ANNETTE BONGIORNO
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SPECIAL CONDITIONS OF SUPERVISION

While on supervised release, defendant must perform 80 hours of Community Service as directed by the Probation Officer.

Defendant must provide the probation officer with access to any requested financial information.

Defendant must not incur new credit charges or open additional lines of credit without the approval of the Probation Officer.

Defendant is to report to the nearest Probation Office within 72 hours of release from custody.

Defendant is to be supervised by the district of residence.

DEFENDANT: ANNETTE BONGIORNO
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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 1,000.00	\$	\$

☐ The determination of restitution is deferred until . An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$	\$
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- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: ANNETTE BONGIORNO
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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 1,000.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

X Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

Forfeiture liability is joint and several with:

Daniel Bonventre, 10 crim 228 -04 (LTS), \$155,645,703,200.00;
JoAnn Crupi, 10 crim 228 -05 (LTS), TBD;
George Perez, 10 crim 228 -02 (LTS), TBD;
Jerome O'Hara, 10 crim 228 -04 (LTS), TBD;
Eric S. Lipkin, 10 crim 228 -06 (LTS), TBD;
David L. Kugel, 10 crim 228-07 (LTS), TBD;
Enrica Cotellessa-Pitz, 10 crim 228-08 (LTS), TBD;
Craig Kugel, 10 crim 228-09 (LTS), TBD;
Peter Madoff, 10 crim 228-10 (LTS), \$143.1 billion;
Irwin Lipkin, 10 crim 228-11 (LTS), TBD;
Paul J. Konigsberg, 10 crim 228-12 (LTS), TBD;

Bernard Madoff, 09 crim 213-01 (DC), \$170,799,000,000.00;
David Friehling, 09 crim 700-01 (AKH), TBD;
Frank DiPascali, 09 crim 764-01 (RJS), TBD.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- X The defendant shall forfeit the defendant's interest in the following property to the United States:

Defendant is to forfeit to the United States \$155,158,703,200.00 as to Counts One (1), Six (6) and Nine (9), as specified in the Order of Forfeiture, which represents the proceeds of the defendant's criminal activity. Defendant's interest in specific property acquired on and after January 1, 1992, is also forfeited, as provided in the amended preliminary order of forfeiture. Defendant is jointly and severally liable for the forfeiture obligation with the co-defendants Daniel Bonventre, JoAnn Crupi, George Perez, Jerome O'Hara, Eric S. Lipkin, David L. Kugel, Enrica Cotellessa-Pitz, Craig Kugel, Peter Madoff, Irwin Lipkin, Paul J. Konigsberg (all in 10 crim 228 (LTS)), Bernard Madoff (09 crim 213-01 (DC)), David Friehling (09 crim 700-01 (AKH)), and Frank DiPascali (09 crim 764-01 (RJS)).

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET
NEW YORK, NEW YORK 10007

LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

TEL (212)-805-0417
FAX (212) 805-0426

October 26, 2017

By First Class Mail

Warden Manuel Ocasio
FCI Coleman Medium
Federal Correctional Institution
P.O. Box 1022
Coleman, FL 33521

United States v. Annette Bongiorno
Case No. 10 CR 228 (LTS) (S.D.N.Y.)

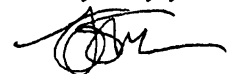
Dear Warden Ocasio:

I write in regard to Ms. Annette Bongiorno, Bureau of Prisons ("BOP") Register Number: 96064-004, who is currently incarcerated at FCI Coleman Medium. On December 17, 2014, Judgment as to Ms. Bongiorno was entered, which included a total custodial sentence of 72 months of imprisonment and a recommendation by the Court to the BOP that Ms. Bongiorno serve the final 12 months of her sentence in home confinement. (Docket Entry No. 1225.)

I understand that the BOP is statutorily prohibited from designating Ms. Bongiorno to home confinement for the full final twelve months. It is therefore the Court's recommendation that the maximum portion of the custodial term permitted under 18 U.S.C. § 3624(c)(1) be served by Ms. Bongiorno under conditions (such as a halfway house) providing a reasonable opportunity for adjustment and preparation for reentry and that six months of that period be served in home confinement, as authorized by 18 U.S.C. § 3624(c)(2).

Thank you for your anticipated favorable consideration of this clarified recommendation. Please feel free to contact me if you have any questions.

Very truly yours,



Laura Taylor Swain

cc:

Bureau of Prisons Designation & Sentence Computation Center
AUSA Paul Monteleoni
Roland G. Riopelle, Esq. (Counsel for Ms. Bongiorno)

EXHIBIT C

1 *cational services programs funded under this title and*
2 *amendments made by this title.*

3 ***TITLE VI—MISCELLANEOUS***
4 ***CRIMINAL JUSTICE***

5 ***SEC. 601. PLACEMENT OF PRISONERS CLOSE TO FAMILIES.***

6 *Section 3621(b) of title 18, United States Code, is*
7 *amended—*

8 *(1) by striking “shall designate the place of the*
9 *prisoner’s imprisonment.” and inserting “shall des-*
10 *ignate the place of the prisoner’s imprisonment, and*
11 *shall, subject to bed availability, the prisoner’s secu-*
12 *rity designation, the prisoner’s programmatic needs,*
13 *the prisoner’s mental and medical health needs, any*
14 *request made by the prisoner related to faith-based*
15 *needs, recommendations of the sentencing court, and*
16 *other security concerns of the Bureau of Prisons, place*
17 *the prisoner in a facility as close as practicable to the*
18 *prisoner’s primary residence, and to the extent prac-*
19 *ticable, in a facility within 500 driving miles of that*
20 *residence. The Bureau shall, subject to consideration*
21 *of the factors described in the preceding sentence and*
22 *the prisoner’s preference for staying at his or her cur-*
23 *rent facility or being transferred, transfer prisoners to*
24 *facilities that are closer to the prisoner’s primary res-*

1 *idence even if the prisoner is already in a facility*
 2 *within 500 driving miles of that residence.”; and*

3 *(2) by adding at the end the following: “Notwith-*
 4 *standing any other provision of law, a designation of*
 5 *a place of imprisonment under this subsection is not*
 6 *reviewable by any court.”.*

7 **SEC. 602. HOME CONFINEMENT FOR LOW-RISK PRISONERS.**

8 *Section 3624(c)(2) of title 18, United States Code, is*
 9 *amended by adding at the end the following: “The Bureau*
 10 *of Prisons shall, to the extent practicable, place prisoners*
 11 *with lower risk levels and lower needs on home confinement*
 12 *for the maximum amount of time permitted under this*
 13 *paragraph.”.*

14 **SEC. 603. FEDERAL PRISONER REENTRY INITIATIVE REAU-**
 15 **THORIZATION; MODIFICATION OF IMPOSED**
 16 **TERM OF IMPRISONMENT.**

17 *(a) FEDERAL PRISONER REENTRY INITIATIVE REAU-*
 18 *THORIZATION.—Section 231(g) of the Second Chance Act*
 19 *of 2007 (34 U.S.C. 60541(g)) is amended—*

20 *(1) in paragraph (1)—*

21 *(A) by inserting “and eligible terminally ill*
 22 *offenders” after “elderly offenders” each place the*
 23 *term appears;*

1 (B) in subparagraph (A), by striking “a
2 Bureau of Prisons facility” and inserting “Bu-
3 reau of Prisons facilities”;

4 (C) in subparagraph (B)—

5 (i) by striking “the Bureau of Prisons
6 facility” and inserting “Bureau of Prisons
7 facilities”; and

8 (ii) by inserting “, upon written re-
9 quest from either the Bureau of Prisons or
10 an eligible elderly offender or eligible termi-
11 nally ill offender” after “to home deten-
12 tion”; and

13 (D) in subparagraph (C), by striking “the
14 Bureau of Prisons facility” and inserting “Bu-
15 reau of Prisons facilities”;

16 (2) in paragraph (2), by inserting “or eligible
17 terminally ill offender” after “elderly offender”;

18 (3) in paragraph (3), as amended by section
19 504(b)(1)(A) of this Act, by striking “at least one Bu-
20 reau of Prisons facility” and inserting “Bureau of
21 Prisons facilities”; and

22 (4) in paragraph (4)—

23 (A) by inserting “or eligible terminally ill
24 offender” after “each eligible elderly offender”;
25 and

(B) by inserting “and eligible terminally ill offenders” after “eligible elderly offenders”; and
(5) in paragraph (5)—

(A) in subparagraph (A)—

(i) in clause (i), striking “65 years of age” and inserting “60 years of age”; and

(ii) in clause (ii), as amended by section 504(b)(1)(B) of this Act, by striking “75 percent” and inserting “ $\frac{2}{3}$ ”; and

(B) by adding at the end the following:

“(D) *ELIGIBLE TERMINALLY ILL OFFENDER.*—The term ‘eligible terminally ill offender’ means an offender in the custody of the Bureau of Prisons who—

“(i) is serving a term of imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16(a) of title 18, United States Code), sex offense (as defined in section 111(5) of the Sex Offender Registration and Notification Act (34 U.S.C. 20911(5))), offense described in section 2332b(g)(5)(B) of title 18, United States Code, or offense under chapter 37 of title 18, United States Code;

1 “(ii) satisfies the criteria specified in
2 clauses (iii) through (vii) of subparagraph
3 (A); and

4 “(iii) has been determined by a med-
5 ical doctor approved by the Bureau of Pris-
6 ons to be—

7 “(I) in need of care at a nursing
8 home, intermediate care facility, or as-
9 sisted living facility, as those terms are
10 defined in section 232 of the National
11 Housing Act (12 U.S.C. 1715w); or

12 “(II) diagnosed with a terminal
13 illness.”.

14 (b) *INCREASING THE USE AND TRANSPARENCY OF*
15 *COMPASSIONATE RELEASE.*—Section 3582 of title 18,
16 *United States Code*, is amended—

17 (1) in subsection (c)(1)(A), in the matter pre-
18 ceding clause (i), by inserting after “Bureau of Pris-
19 ons,” the following: “or upon motion of the defendant
20 after the defendant has fully exhausted all adminis-
21 trative rights to appeal a failure of the Bureau of
22 Prisons to bring a motion on the defendant’s behalf
23 or the lapse of 30 days from the receipt of such a re-
24 quest by the warden of the defendant’s facility, which-
25 ever is earlier,”;

1 (2) by redesignating subsection (d) as subsection
2 (e); and

3 (3) by inserting after subsection (c) the fol-
4 lowing:

5 “(d) *NOTIFICATION REQUIREMENTS.*—

6 “(1) *TERMINAL ILLNESS DEFINED.*—In this sub-
7 section, the term ‘terminal illness’ means a disease or
8 condition with an end-of-life trajectory.

9 “(2) *NOTIFICATION.*—The Bureau of Prisons
10 shall, subject to any applicable confidentiality re-
11 quirements—

12 “(A) in the case of a defendant diagnosed
13 with a terminal illness—

14 “(i) not later than 72 hours after the
15 diagnosis notify the defendant’s attorney,
16 partner, and family members of the defend-
17 ant’s condition and inform the defendant’s
18 attorney, partner, and family members that
19 they may prepare and submit on the de-
20 fendant’s behalf a request for a sentence re-
21 duction pursuant to subsection (c)(1)(A);

22 “(ii) not later than 7 days after the
23 date of the diagnosis, provide the defend-
24 ant’s partner and family members (includ-

1 ing extended family) with an opportunity
2 to visit the defendant in person;

3 “(iii) upon request from the defendant
4 or his attorney, partner, or a family mem-
5 ber, ensure that Bureau of Prisons employ-
6 ees assist the defendant in the preparation,
7 drafting, and submission of a request for a
8 sentence reduction pursuant to subsection
9 (c)(1)(A); and

10 “(iv) not later than 14 days of receipt
11 of a request for a sentence reduction sub-
12 mitted on the defendant’s behalf by the de-
13 fendant or the defendant’s attorney, part-
14 ner, or family member, process the request;

15 “(B) in the case of a defendant who is phys-
16 ically or mentally unable to submit a request for
17 a sentence reduction pursuant to subsection
18 (c)(1)(A)—

19 “(i) inform the defendant’s attorney,
20 partner, and family members that they may
21 prepare and submit on the defendant’s be-
22 half a request for a sentence reduction pur-
23 suant to subsection (c)(1)(A);

24 “(ii) accept and process a request for
25 sentence reduction that has been prepared

1 *and submitted on the defendant's behalf by*
2 *the defendant's attorney, partner, or family*
3 *member under clause (i); and*

4 “(iii) upon request from the defendant
5 or his attorney, partner, or family member,
6 ensure that Bureau of Prisons employees as-
7 sist the defendant in the preparation, draft-
8 ing, and submission of a request for a sen-
9 tence reduction pursuant to subsection
10 (c)(1)(A); and

11 “(C) ensure that all Bureau of Prisons fa-
12 cilities regularly and visibly post, including in
13 prisoner handbooks, staff training materials, and
14 facility law libraries and medical and hospice
15 facilities, and make available to prisoners upon
16 demand, notice of—

17 “(i) a defendant's ability to request a
18 sentence reduction pursuant to subsection
19 (c)(1)(A);

20 “(ii) the procedures and timelines for
21 initiating and resolving requests described
22 in clause (i); and

23 “(iii) the right to appeal a denial of a
24 request described in clause (i) after all ad-

1 *ministrative rights to appeal within the*
2 *Bureau of Prisons have been exhausted.*

3 “(3) *ANNUAL REPORT.*—*Not later than 1 year*
4 *after the date of enactment of this subsection, and*
5 *once every year thereafter, the Director of the Bureau*
6 *of Prisons shall submit to the Committee on the Judi-*
7 *ciary of the Senate and the Committee on the Judici-*
8 *ary of the House of Representatives a report on re-*
9 *quests for sentence reductions pursuant to subsection*
10 *(c)(1)(A), which shall include a description of, for the*
11 *previous year—*

12 “(A) *the number of prisoners granted and*
13 *denied sentence reductions, categorized by the*
14 *criteria relied on as the grounds for a reduction*
15 *in sentence;*

16 “(B) *the number of requests initiated by or*
17 *on behalf of prisoners, categorized by the criteria*
18 *relied on as the grounds for a reduction in sen-*
19 *tence;*

20 “(C) *the number of requests that Bureau of*
21 *Prisons employees assisted prisoners in drafting,*
22 *preparing, or submitting, categorized by the cri-*
23 *teria relied on as the grounds for a reduction in*
24 *sentence, and the final decision made in each re-*
25 *quest;*

1 “(D) the number of requests that attorneys,
2 partners, or family members submitted on a de-
3 fendant’s behalf, categorized by the criteria relied
4 on as the grounds for a reduction in sentence,
5 and the final decision made in each request;

6 “(E) the number of requests approved by the
7 Director of the Bureau of Prisons, categorized by
8 the criteria relied on as the grounds for a reduc-
9 tion in sentence;

10 “(F) the number of requests denied by the
11 Director of the Bureau of Prisons and the rea-
12 sons given for each denial, categorized by the cri-
13 teria relied on as the grounds for a reduction in
14 sentence;

15 “(G) for each request, the time elapsed be-
16 tween the date the request was received by the
17 warden and the final decision, categorized by the
18 criteria relied on as the grounds for a reduction
19 in sentence;

20 “(II) for each request, the number of pris-
21 oners who died while their request was pending
22 and, for each, the amount of time that had
23 elapsed between the date the request was received
24 by the Bureau of Prisons, categorized by the cri-