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Federal Inmates Can Earn Credits In State Lockup, 1st Circ. Says

By [Carolyn Muyskens](#)

Law360 (April 28, 2026, 6:26 PM EDT) -- Federal prisoners may earn First Step Act time credit toward shortening their sentences during state custody before arriving at a federal prison, the First Circuit ruled, deeming a contrary federal policy...

First Circuit ruled, Federal Inmates Can Earn Credits In State Lockup, 4/28/2026

BOP First Step Act - Frequently Asked Questions: Over Ruled

General information about the First Step Act (FSA) as it relates to Bureau of Prisons inmates and their families.

Do military or state offenders benefit from any of the provisions of the FSA?

The Risk and Needs Assessment system is used to assign all inmates to a recidivism risk category and their needs will be assessed. Eligible inmates will be able to earn FSA time credits; **however, military code and state offenders will not be eligible to earn FSA time credits** as the law applies to U.S. (federal) code offenders only. Additionally, the Second Chance Act Home Confinement Pilot Program and the changes to 18 U.S.C. § 3582 related to the compassionate release program only apply to U.S. (federal) code offenders.

However, the BOP will consider military or state offenders for pre-release custody in accordance with existing BOP release preparation policies.

General BOP policies which address management of the inmate population, such as prohibitions against restraining pregnant offenders, the provision of sanitary products to female offenders, providing assistance for release preparation in obtaining identification, and increased privileges for inmate participation in programs and productive activities will be applied to all persons in BOP custody, including military and state offenders.

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