

(Pub. L. 90-351, title I, §2959, as added Pub. L. 107-273, div. B, title II, §2301(a), Nov. 2, 2002, 116 Stat. 1797.)

SUBCHAPTER XVII—OFFENDER REENTRY  
AND COMMUNITY SAFETY

**§ 3797w. Adult and juvenile offender State and local reentry demonstration projects**

**(a) Grant authorization**

The Attorney General shall make grants of up to \$1,000,000 to States, local governments, territories, or Indian Tribes, or any combination thereof, in partnership with stakeholders, service providers, and nonprofit organizations.

**(b) Adult offender reentry demonstration projects**

Funds for adult offender demonstration projects may be expended for—

(1) providing offenders in prisons, jails, or juvenile facilities with educational, literacy, vocational, and job placement services to facilitate re-entry into the community;

(2) providing substance abuse treatment and services (including providing a full continuum of substance abuse treatment services that encompasses outpatient and comprehensive residential services and recovery);

(3) providing coordinated supervision and comprehensive services for offenders upon release from prison, jail, or a juvenile facility, including housing and mental and physical health care to facilitate re-entry into the community, and which, to the extent applicable, are provided by community-based entities (including coordinated reentry veteran-specific services for eligible veterans);

(4) providing programs that—

(A) encourage offenders to develop safe, healthy, and responsible family relationships and parent-child relationships; and

(B) involve the entire family unit in comprehensive reentry services (as appropriate to the safety, security, and well-being of the family and child);

(5) encouraging the involvement of prison, jail, or juvenile facility mentors in the reentry process and enabling those mentors to remain in contact with offenders while in custody and after reentry into the community;

(6) providing victim-appropriate services, encouraging the timely and complete payment of restitution and fines by offenders to victims, and providing services such as security and counseling to victims upon release of offenders; and

(7) protecting communities against dangerous offenders by using validated assessment tools to assess the risk factors of returning inmates and developing or adopting procedures to ensure that dangerous felons are not released from prison prematurely.

**(c) Juvenile offender reentry demonstration projects**

Funds for the juvenile offender reentry demonstration projects may be expended for any activity described in subsection (b).

**(d) Applications**

A State, unit of local government, territory, or Indian Tribe, or combination thereof, desiring

a grant under this section shall submit an application to the Attorney General that—

(1) contains a reentry strategic plan, as described in subsection (h), which describes the long-term strategy and incorporates a detailed implementation schedule, including the plans of the applicant to pay for the program after the Federal funding is discontinued;

(2) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the offender reentry strategy of the applicant, and certifies the involvement of such agencies and organizations;

(3) describes the evidence-based methodology and outcome measures that will be used to evaluate the program funded with a grant under this section, and specifically explains how such measurements will provide valid measures of the impact of that program; and

(4) describes how the project could be broadly replicated if demonstrated to be effective.

**(e) Requirements**

The Attorney General may make a grant to an applicant under this section only if the application—

(1) reflects explicit support of the chief executive officer of the State, unit of local government, territory, or Indian Tribe applying for a grant under this section;

(2) provides extensive discussion of the role of State corrections departments, community corrections agencies, juvenile justice systems, or local jail systems in ensuring successful reentry of offenders into their communities;

(3) provides extensive evidence of collaboration with State and local government agencies overseeing health, housing, child welfare, education, substance abuse, victims services, and employment services, and with local law enforcement agencies;

(4) provides a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community; and

(5) includes the use of a State, local, territorial, or Tribal task force, described in subsection (i), to carry out the activities funded under the grant.

**(f) Priority considerations**

The Attorney General shall give priority to grant applications under this section that best—

(1) focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities;

(2) include—

(A) input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

(B) consultation with crime victims and offenders who are released from prisons, jails, and juvenile facilities; and

(C) coordination with families of offenders;

(3) demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including—

(A) planning while offenders are in prison, jail, or a juvenile facility, prerelease transition housing, and community release;

(B) establishing prerelease planning procedures to ensure that the eligibility of an offender for Federal or State benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services; and

(C) delivery of continuous and appropriate drug treatment, medical care, job training and placement, educational services, or any other service or support needed for reentry;

(4) review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law);

(5) provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs; and

(6) target high-risk offenders for reentry programs through validated assessment tools.

**(g) Uses of grant funds**

**(1) Federal share**

**(A) In general**

The Federal share of a grant received under this section may not exceed 50 percent of the project funded under such grant.

**(B) In-kind contributions**

**(i) In general**

Subject to clause (ii), the recipient of a grant under this section may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly related to the purpose for which such grant was awarded.

**(ii) Maximum percentage**

Not more than 50 percent of the amount provided by a recipient of a grant under this section to meet the matching requirement under subparagraph (A) may be provided through in-kind contributions under clause (i).

**(2) Supplement not supplant**

Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.

**(h) Reentry strategic plan**

**(1) In general**

As a condition of receiving financial assistance under this section, each applicant shall develop a comprehensive strategic reentry plan that contains measurable annual and 5-year performance outcomes, and that uses, to

the maximum extent possible, random assigned and controlled studies to determine the effectiveness of the program funded with a grant under this section. One goal of that plan shall be to reduce the rate of recidivism (as defined by the Attorney General, consistent with the research on offender reentry undertaken by the Bureau of Justice Statistics) by 50 percent over a 5-year period for offenders released from prison, jail, or a juvenile facility who are served with funds made available under this section.

**(2) Coordination**

In developing a reentry plan under this subsection, an applicant shall coordinate with communities and stakeholders, including persons in the fields of public safety, juvenile and adult corrections, housing, health, education, substance abuse, children and families, victims services, employment, and business and members of nonprofit organizations that can provide reentry services.

**(3) Measurements of progress**

Each reentry plan developed under this subsection shall measure the progress of the applicant toward increasing public safety by reducing rates of recidivism and enabling released offenders to transition successfully back into their communities.

**(i) Reentry Task Force**

**(1) In general**

As a condition of receiving financial assistance under this section, each applicant shall establish or empower a Reentry Task Force, or other relevant convening authority, to—

(A) examine ways to pool resources and funding streams to promote lower recidivism rates for returning offenders and minimize the harmful effects of offenders' time in prison, jail, or a juvenile facility on families and communities of offenders by collecting data and best practices in offender reentry from demonstration grantees and other agencies and organizations; and

(B) provide the analysis described in subsection (e)(4).

**(2) Membership**

The task force or other authority under this subsection shall be comprised of—

(A) relevant State, Tribal, territorial, or local leaders; and

(B) representatives of relevant—

- (i) agencies;
- (ii) service providers;
- (iii) nonprofit organizations; and
- (iv) stakeholders.

**(j) Strategic performance outcomes**

**(1) In general**

Each applicant shall identify in the reentry strategic plan developed under subsection (h), specific performance outcomes relating to the long-term goals of increasing public safety and reducing recidivism.

**(2) Performance outcomes**

The performance outcomes identified under paragraph (1) shall include, with respect to offenders released back into the community—

(A) reduction in recidivism rates, which shall be reported in accordance with the measure selected by the Director of the Bureau of Justice Statistics under section 17541(d)(3)(B)<sup>1</sup> of this title;

(B) reduction in crime;

(C) increased employment and education opportunities;

(D) reduction in violations of conditions of supervised release;

(E) increased payment of child support;

(F) increased housing opportunities;

(G) reduction in drug and alcohol abuse; and

(H) increased participation in substance abuse and mental health services.

### (3) Other outcomes

A grantee under this section may include in the reentry strategic plan developed under subsection (h) other performance outcomes that increase the success rates of offenders who transition from prison, jails, or juvenile facilities.

### (4) Coordination

A grantee under this section shall coordinate with communities and stakeholders about the selection of performance outcomes identified by the applicant, and shall consult with the Attorney General for assistance with data collection and measurement activities as provided for in the grant application materials.

### (5) Report

Each grantee under this section shall submit to the Attorney General an annual report that—

(A) identifies the progress of the grantee toward achieving its strategic performance outcomes; and

(B) describes other activities conducted by the grantee to increase the success rates of the reentry population, such as programs that foster effective risk management and treatment programming, offender accountability, and community and victim participation.

### (k) Performance measurement

#### (1) In general

The Attorney General, in consultation with grantees under this section, shall—

(A) identify primary and secondary sources of information to support the measurement of the performance indicators identified under this section;

(B) identify sources and methods of data collection in support of performance measurement required under this section;

(C) provide to all grantees technical assistance and training on performance measures and data collection for purposes of this section; and

(D) consult with the Substance Abuse and Mental Health Services Administration and the National Institute on Drug Abuse on strategic performance outcome measures and data collection for purposes of this sec-

tion relating to substance abuse and mental health.

### (2) Coordination

The Attorney General shall coordinate with other Federal agencies to identify national and other sources of information to support performance measurement of grantees.

### (3) Standards for analysis

Any statistical analysis of population data conducted pursuant to this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

### (l) Future eligibility

To be eligible to receive a grant under this section in any fiscal year after the fiscal year in which a grantee receives a grant under this section, a grantee shall submit to the Attorney General such information as is necessary to demonstrate that—

(1) the grantee has adopted a reentry plan that reflects input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

(2) the reentry plan of the grantee includes performance measures to assess progress of the grantee toward a 10 percent reduction in the rate of recidivism over a 2-year period;

(3) the grantee will coordinate with the Attorney General, nonprofit organizations (if relevant input from nonprofit organizations is available and appropriate), and other experts regarding the selection and implementation of the performance measures described in subsection (k); and

(4) the grantee has made adequate progress, as determined by the Attorney General, toward reducing the rate of recidivism by 10 percent over a 2-year period.

### (m) National Adult and Juvenile Offender Reentry Resource Center

#### (1) Authority

The Attorney General may, using amounts made available to carry out this subsection, make a grant to an eligible organization to provide for the establishment of a National Adult and Juvenile Offender Reentry Resource Center.

#### (2) Eligible organization

An organization eligible for the grant under paragraph (1) is any national nonprofit organization approved by the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, that provides technical assistance and training to, and has special expertise and broad, national-level experience in, offender reentry programs, training, and research.

#### (3) Use of funds

The organization receiving a grant under paragraph (1) shall establish a National Adult and Juvenile Offender Reentry Resource Center to—

(A) provide education, training, and technical assistance for States, tribes, terri-

<sup>1</sup> See References in Text note below.

tories, local governments, service providers, nonprofit organizations, and corrections institutions;

(B) collect data and best practices in offender reentry from demonstration grantees and others agencies and organizations;

(C) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes;

(D) disseminate information to States and other relevant entities about best practices, policy standards, and research findings;

(E) develop and implement procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

(F) develop and implement procedures to identify efficiently and effectively those violators of probation, parole, or supervision following release from prison, jail, or a juvenile facility who should be returned to prisons, jails, or juvenile facilities and those who should receive other penalties based on defined, graduated sanctions;

(G) collaborate with the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, and the Federal Resource Center for Children of Prisoners;

(H) develop a national reentry research agenda; and

(I) establish a database to enhance the availability of information that will assist offenders in areas including housing, employment, counseling, mentoring, medical and mental health services, substance abuse treatment, transportation, and daily living skills.

#### (4) Limit

Of amounts made available to carry out this section, not more than 4 percent of the authorized level shall be available to carry out this subsection.

#### (n) Administration

Of amounts made available to carry out this section—

(1) not more than 2 percent of the authorized level shall be available for administrative expenses in carrying out this section; and

(2) not more than 2 percent of the authorized level shall be made available to the National Institute of Justice to evaluate the effectiveness of the demonstration projects funded under this section, using a methodology that—

(A) includes, to the maximum extent feasible, random assignment of offenders (or entities working with such persons) to program delivery and control groups; and

(B) generates evidence on which reentry approaches and strategies are most effective.

#### (o) Authorization of appropriations

##### (1) In general

To carry out this section, there are authorized to be appropriated \$55,000,000 for each of fiscal years 2009 and 2010.

##### (2) Limitation; equitable distribution

###### (A) Limitation

Of the amount made available to carry out this section for any fiscal year, not more

than 3 percent or less than 2 percent may be used for technical assistance and training.

##### (B) Equitable distribution

The Attorney General shall ensure that grants awarded under this section are equitably distributed among the geographical regions and between urban and rural populations, including Indian Tribes, consistent with the objective of reducing recidivism among criminal offenders.

(Pub. L. 90-351, title I, §2976, as added Pub. L. 107-273, div. B, title II, §2421(a), Nov. 2, 2002, 116 Stat. 1801; amended Pub. L. 110-199, title I, §101, Apr. 9, 2008, 122 Stat. 661.)

#### REFERENCES IN TEXT

Section 17541(d)(3)(B) of this title, referred to in subsec. (j)(2)(A), was in the original “section 234(c)(2) of the Second Chance Act of 2007”, and was translated as reading “section 231(d)(3)(B) of the Second Chance Act of 2007”, meaning section 231(d)(3)(B) of Pub. L. 110-199, to reflect the probable intent of Congress, because Pub. L. 110-199 does not contain a section 234(c)(2), and section 231(d)(3)(B) of Pub. L. 110-199 relates to the selection of a measure for recidivism to be used by the Director of the Bureau of Justice Statistics.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-199, §101(d), substituted “States, local governments, territories, or Indian Tribes, or any combination thereof, in partnership with stakeholders, service providers, and nonprofit organizations.” for “States, Territories, and Indian tribes, in partnership with units of local government and nonprofit organizations, for the purpose of establishing adult and juvenile offender reentry demonstration projects.”

Subsec. (b)(1) to (7). Pub. L. 110-199, §101(a), added pars. (1) to (7) and struck out former pars. (1) to (4) which read as follows:

“(1) oversight/monitoring of released offenders;

“(2) substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and basic educational training, and other programming to promote effective reintegration into the community as needed;

“(3) convening community impact panels, victim impact panels or victim impact educational classes; and

“(4) establishing and implementing graduated sanctions and incentives.”

Subsec. (c). Pub. L. 110-199, §101(b), substituted “may be expended for any activity described in subsection (b).” for “may be expended for—

“(1) providing returning juvenile offenders with drug and alcohol testing and treatment and mental and medical health assessment and services;

“(2) convening victim impact panels, restorative justice panels, or victim impact educational classes for juvenile offenders;

“(3) oversight/monitoring of released juvenile offenders; and

“(4) providing for the planning of reentry services when the youth is initially incarcerated and coordinating the delivery of community-based services, such as education, family involvement and support, and other services as needed.”

Subsecs. (d) to (o). Pub. L. 110-199, §101(c), added subsecs. (d) to (n), redesignated former subsec. (h) as (o), and struck out former subsecs. (d) to (g) which related to submission of application, applicant requirements, matching funds, and reports, respectively.

Subsec. (o)(1). Pub. L. 110-199, §101(e)(1), substituted “\$55,000,000 for each of fiscal years 2009 and 2010” for “\$15,000,000 for fiscal year 2003, \$15,500,000 for fiscal year 2004, and \$16,000,000 for fiscal year 2005”.

Subsec. (o)(2). Pub. L. 110-199, §101(e)(2), amended par. (2) generally. Prior to amendment, text read as follows:

“Of the amount made available to carry out this section in any fiscal year—

“(A) not more than 2 percent or less than 1 percent may be used by the Attorney General for salaries and administrative expenses; and

“(B) not more than 3 percent or less than 2 percent may be used for technical assistance and training.”

#### CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 17504 of this title.

### § 3797w-1. State reentry project evaluation

#### (a) Evaluation

The Attorney General shall evaluate the demonstration projects authorized by section 3797w of this title to determine their effectiveness.

#### (b) Report

Not later than April 30, 2005, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate containing—

(1) the findings of the evaluation required by subsection (a) of this section; and

(2) any recommendations the Attorney General has with regard to expanding, changing, or eliminating the demonstration projects.

(Pub. L. 90-351, title I, §2977, as added Pub. L. 107-273, div. B, title II, §2421(a), Nov. 2, 2002, 116 Stat. 1802.)

### § 3797w-2. State, tribal, and local reentry courts

#### (a) Grants authorized

The Attorney General may award grants, in accordance with this section, of not more than \$500,000 to—

(1) State, Tribal, and local courts; and

(2) State agencies, municipalities, public agencies, nonprofit organizations, territories, and Indian Tribes that have agreements with courts to take the lead in establishing a reentry court (as described in section 3797w(b)(19)<sup>1</sup> of this title).

#### (b) Use of grant funds

Grant funds awarded under this section shall be administered in accordance with such guidelines, regulations, and procedures as promulgated by the Attorney General, and may be used to—

(1) monitor juvenile and adult offenders reentering the community;

(2) provide juvenile and adult offenders reentering the community with coordinated and comprehensive reentry services and programs such as—

(A) drug and alcohol testing and assessment for treatment;

(B) assessment for substance abuse from a substance abuse professional who is approved by the State or Indian Tribe and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;

(C) substance abuse treatment from a provider that is approved by the State or Indian

Tribe, and licensed, if necessary, to provide medical and other health services;

(D) health (including mental health) services and assessment;

(E) aftercare and case management services that—

(i) facilitate access to clinical care and related health services; and

(ii) coordinate with such clinical care and related health services; and

(F) any other services needed for reentry;

(3) convene community impact panels, victim impact panels, or victim impact educational classes;

(4) provide and coordinate the delivery of community services to juvenile and adult offenders, including—

(A) housing assistance;

(B) education;

(C) job training;

(D) conflict resolution skills training;

(E) batterer intervention programs; and

(F) other appropriate social services; and

(5) establish and implement graduated sanctions and incentives.

#### (c) Rule of construction

Nothing in this section shall be construed as preventing a grantee that operates a drug court under subchapter XVI at the time a grant is awarded under this section from using funds from such grant to supplement such drug court in accordance with paragraphs (1) through (5) of subsection (b).

#### (d) Application

To be eligible for a grant under this section, an entity described in subsection (a) shall, in addition to any other requirements required by the Attorney General, submit to the Attorney General an application that—

(1) describes the program to be assisted under this section and the need for such program;

(2) describes a long-term strategy and detailed implementation plan for such program, including how the entity plans to pay for the program after the Federal funding is discontinued;

(3) identifies the governmental and community agencies that will be coordinated by the project;

(4) certifies that—

(A) all agencies affected by the program, including community corrections and parole entities, have been appropriately consulted in the development of the program;

(B) there will be appropriate coordination with all such agencies in the implementation of the program; and

(C) there will be appropriate coordination and consultation with the Single State Authority for Substance Abuse (as that term is defined in section 17521(e) of this title) of the State; and

(5) describes the methodology and outcome measures that will be used to evaluate the program.

<sup>1</sup> So in original. Section 3797w(b) of this title does not contain a par. (19).