

tion 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

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

(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.

**(e) Federal share**

**(1) Matching requirement**

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

**(2) In-kind contributions**

**(A) In general**

Subject to subparagraph (B), the recipient of a grant under this section may meet the matching requirement under paragraph (1) by making in-kind contributions of goods or services that are directly related to the purpose for which such grant was awarded.

**(B) 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 paragraph (1) may be provided through in-kind contributions under subparagraph (A).

**(3) 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.

**(f) Annual report**

Each entity receiving a grant under this section shall submit to the Attorney General, for each fiscal year in which funds from the grant are expended, a report, at such time and in such manner as the Attorney General may reasonably require, that contains—

(1) a summary of the activities carried out under the program assisted by the grant;

(2) an assessment of whether the activities are meeting the need for the program identified in the application submitted under subsection (d); and

(3) such other information as the Attorney General may require.

**(g) Authorization of appropriations**

**(1) In general**

There are authorized to be appropriated \$10,000,000 for each of fiscal years 2009 and 2010 to carry out this section.

**(2) Limitations; equitable distribution**

**(A) Limitations**

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

(i) not more than 2 percent may be used by the Attorney General for salaries and administrative expenses; and

(ii) not more than 5 percent nor 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, §2978, as added Pub. L. 110-199, title I, §111, Apr. 9, 2008, 122 Stat. 669.)

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.

SUBCHAPTER XVIII—CRIME FREE RURAL STATE GRANTS

**§ 3797y. Grant authority**

The Attorney General shall award grants to rural State criminal justice agencies, Byrne agencies, or other agencies as designated by the Governor of that State and approved by the Attorney General, to develop rural States' capacity to assist local communities in the prevention and reduction of crime, violence, and substance abuse.

(Pub. L. 90-351, title I, §2985, as added Pub. L. 107-273, div. C, title I, §11027(b), Nov. 2, 2002, 116 Stat. 1834.)

**§ 3797y-1. Use of funds**

**(a) In general**

A capacity building grant shall be used to develop a statewide strategic plan as described in