

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-5, §405(5), substituted “grants of up to one-half (50 percent)” for “reimbursement of one-fifth (20 percent)”.

Subsec. (b)(9). Pub. L. 111-5, §405(6), struck out last sentence which read as follows: “In making such grants, the Secretary shall seek to reward innovation and early adaptation, even if success is not complete, rather than deployment of proven and commercially viable technologies.”

Subsec. (c)(1). Pub. L. 111-5, §405(7), substituted “utilize” for “are eligible for”.

Subsec. (e). Pub. L. 111-5, §405(8), amended subsec. (e) generally. Prior to amendment, text related to establishment of procedures by which applicants who have made qualifying Smart Grid investments can seek and obtain reimbursement of one-fifth of documented expenditures.

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§ 17501. Purposes; findings

(a) Purposes

The purposes of the Act are—

(1) to break the cycle of criminal recidivism, increase public safety, and help States, local units of government, and Indian Tribes, better address the growing population of criminal offenders who return to their communities and commit new crimes;

(2) to rebuild ties between offenders and their families, while the offenders are incarcerated and after reentry into the community, to promote stable families and communities;

(3) to encourage the development and support of, and to expand the availability of, evidence-based programs that enhance public safety and reduce recidivism, such as substance abuse treatment, alternatives to incarceration, and comprehensive reentry services;

(4) to protect the public and promote law-abiding conduct by providing necessary services to offenders, while the offenders are incarcerated and after reentry into the community, in a manner that does not confer luxuries or privileges upon such offenders;

(5) to assist offenders reentering the community from incarceration to establish a self-sustaining and law-abiding life by providing sufficient transitional services for as short of a period as practicable, not to exceed one year, unless a longer period is specifically determined to be necessary by a medical or other appropriate treatment professional; and

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

(b) Findings

Congress finds the following:

(1) In 2002, over 7,000,000 people were incarcerated in Federal or State prisons or in local jails. Nearly 650,000 people are released from Federal and State incarceration into communities nationwide each year.

(2) There are over 3,200 jails throughout the United States, the vast majority of which are operated by county governments. Each year, these jails will release more than 10,000,000 people back into the community.

(3) Recent studies indicate that over ⅔ of released State prisoners are expected to be re-arrested for a felony or serious misdemeanor within 3 years after release.

(4) According to the Bureau of Justice Statistics, expenditures on corrections alone increased from \$9,000,000,000 in 1982, to \$59,600,000,000 in 2002. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims.

(5) The Serious and Violent Offender Reentry Initiative (SVORI) provided \$139,000,000 in funding for State governments to develop and implement education, job training, mental health treatment, and substance abuse treatment for serious and violent offenders. This Act seeks to build upon the innovative and successful State reentry programs developed under the SVORI, which terminated after fiscal year 2005.

(6) Between 1991 and 1999, the number of children with a parent in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. According to the Bureau of Prisons, there is evidence to suggest that inmates who are connected to their children and families are more likely to avoid negative incidents and have reduced sentences.

(7) Released prisoners cite family support as the most important factor in helping them stay out of prison. Research suggests that families are an often underutilized resource in the reentry process.

(8) Approximately 100,000 juveniles (ages 17 years and under) leave juvenile correctional facilities, State prison, or Federal prison each year. Juveniles released from secure confinement still have their likely prime crime years ahead of them. Juveniles released from secure confinement have a recidivism rate ranging from 55 to 75 percent. The chances that young people will successfully transition into society improve with effective reentry and aftercare programs.

(9) Studies have shown that between 15 percent and 27 percent of prisoners expect to go to homeless shelters upon release from prison.

(10) Fifty-seven percent of Federal and 70 percent of State inmates used drugs regularly before going to prison, and the Bureau of Justice statistics report titled "Trends in State Parole, 1990–2000" estimates the use of drugs or alcohol around the time of the offense that resulted in the incarceration of the inmate at as high as 84 percent.

(11) Family-based treatment programs have proven results for serving the special populations of female offenders and substance abusers with children. An evaluation by the Substance Abuse and Mental Health Services Administration of family-based treatment for substance-abusing mothers and children found that 6 months after such treatment, 60 percent of the mothers remained alcohol and drug free, and drug-related offenses declined from 28 percent to 7 percent. Additionally, a 2003 evaluation of residential family-based treatment programs revealed that 60 percent of mothers remained clean and sober 6 months after treatment, criminal arrests declined by 43 percent, and 88 percent of the children treated in the program with their mothers remained stabilized.

(12) A Bureau of Justice Statistics analysis indicated that only 33 percent of Federal inmates and 36 percent of State inmates had participated in residential in-patient treatment programs for alcohol and drug abuse 12 months before their release. Further, over one-third of all jail inmates have some physical or mental disability and 25 percent of jail inmates have been treated at some time for a mental or emotional problem.

(13) State Substance Abuse Agency Directors, also known as Single State Authorities, manage the publicly funded substance abuse prevention and treatment system of the Nation. Single State Authorities are responsible for planning and implementing statewide systems of care that provide clinically appropriate substance abuse services. Given the high rate of substance use disorders among offenders reentering our communities, successful reentry programs require close interaction and collaboration with each Single State Authority as the program is planned, implemented, and evaluated.

(14) According to the National Institute of Literacy, 70 percent of all prisoners function at the lowest literacy levels.

(15) Less than 32 percent of State prison inmates have a high school diploma or a higher level of education, compared to 82 percent of the general population.

(16) Approximately 38 percent of inmates who completed 11 years or less of school were not working before entry into prison.

(17) The percentage of State prisoners participating in educational programs decreased by more than 8 percent between 1991 and 1997, despite growing evidence of how educational programming while incarcerated reduces recidivism.

(18) The National Institute of Justice has found that 1 year after release, up to 60 percent of former inmates are not employed.

(19) Transitional jobs programs have proven to help people with criminal records to successfully return to the workplace and to the community, and therefore can reduce recidivism.

(Pub. L. 110–199, § 3, Apr. 9, 2008, 122 Stat. 658.)

REFERENCES IN TEXT

The Act and this Act, referred to in subsecs. (a) and (b)(5), are Pub. L. 110–199, Apr. 9, 2008, 122 Stat. 657, known as the Second Chance Act of 2007: Community Safety Through Recidivism Prevention and also as the Second Chance Act of 2007. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

SHORT TITLE

Pub. L. 110–199, § 1, Apr. 9, 2008, 122 Stat. 657, provided that: "This Act [enacting this chapter and sections 3797q to 3797q–6, 3797s to 3797s–6, 3797w–2, 3797dd, and 3797dd–1 of this title, amending sections 3793, 3796ff–1, 3796ff–3, 3797u–2, 3797w, 13702, 13708, and 15606 of this title and sections 3621, 3624, 3672, and 4042 of Title 18, Crimes and Criminal Procedure, and enacting provisions set out as notes under sections 3797u–1 and 3797u–2 of this title] may be cited as the 'Second Chance Act of 2007: Community Safety Through Recidivism Prevention' or the 'Second Chance Act of 2007'."

PROMOTING REHABILITATION AND REINTEGRATION OF FORMERLY INCARCERATED INDIVIDUALS

Memorandum of President of the United States, Apr. 29, 2016, 81 F.R. 26993, provided:

Memorandum for the Heads of Executive Departments and Agencies

America is a Nation of second chances. Promoting the rehabilitation and reintegration of individuals who have paid their debt to society makes communities safer by reducing recidivism and victimization; assists those who return from prison, jail, or juvenile justice facilities to become productive citizens; and saves taxpayer dollars by lowering the direct and collateral costs of incarceration. Policies that limit opportunities for people with criminal records create barriers to employment, education, housing, health care, and civic participation. This lack of opportunity decreases public safety, increases costs to society, and tears at the fabric of our Nation's communities.

Reducing the cycle of incarceration and recidivism requires coordinated action by government at all levels. Estimates are that as many as 70 million or more Americans have a record of arrest, criminal adjudication, or conviction. Each year, more than 600,000 individuals are released from Federal and State correctional facilities. Millions more are released each year from local jails. In many cases, a criminal record is an obstacle to obtaining employment or a license related to or necessary for employment. However, many individuals have criminal histories that should not automatically disqualify them from employment or licensing, but should instead be examined as part of a review of the person as a whole. Providing incarcerated individuals with job and life skills, education programming, and mental health and addiction treatment in-

creases the likelihood that such individuals will be successful when released. And removing barriers to successful reentry helps formerly incarcerated individuals compete for jobs, attain stable housing, and support their families. All of these are critical to reducing recidivism and strengthening communities.

In 2011, the Attorney General formed the Federal Interagency Reentry Council, a Cabinet-level working group dedicated to the rehabilitation and reintegration of individuals returning to their communities from prisons and jails. I am issuing this memorandum to ensure that the Federal Government continues the important work of this council and builds on its successes.

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

SECTION 1. *Establishing the Federal Interagency Reentry Council.* (a) There is hereby established the Federal Interagency Reentry Council (Reentry Council), to be co-chaired by the Attorney General and the Director of the White House Domestic Policy Council. In addition to the Co-Chairs, the Reentry Council shall include the heads of:

- (i) the Department of the Treasury;
- (ii) the Department of the Interior;
- (iii) the Department of Agriculture;
- (iv) the Department of Commerce;
- (v) the Department of Labor;
- (vi) the Department of Health and Human Services;
- (vii) the Department of Housing and Urban Development;
- (viii) the Department of Transportation;
- (ix) the Department of Energy;
- (x) the Department of Education;
- (xi) the Department of Veterans Affairs;
- (xii) the Department of Homeland Security;
- (xiii) the Small Business Administration;
- (xiv) the Office of Management and Budget;
- (xv) the Council of Economic Advisers;
- (xvi) the Office of National Drug Control Policy;
- (xvii) the Office of Personnel Management;
- (xviii) the Corporation for National and Community Service; and
- (xix) such other executive departments, agencies, and offices as the Co-Chairs may designate.

(b) The Co-Chairs may also invite representatives of the Consumer Financial Protection Bureau, the Court Services and Offender Supervision Agency, the Equal Employment Opportunity Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Trade Commission, the Internal Revenue Service, and the Social Security Administration to participate in the activities of the Reentry Council to the extent that such activities are relevant to their respective statutory authorities and legal obligations.

(c) As appropriate, the Co-Chairs may invite relevant representatives of the judicial branch, including representatives of the United States Probation and Pretrial Services System and Federal Public Defender Organizations, to attend and participate in meetings of the Reentry Council.

(d) The Reentry Council shall work across executive departments, agencies, and offices (agencies) to:

- (i) within 100 days of the date of this memorandum, develop and present a Federal strategic plan to make communities safer by reducing recidivism and victimization; assist individuals who return from prison or jail to become productive citizens; and save taxpayer dollars by lowering the direct and collateral costs of incarceration;
- (ii) identify, implement, and promote evidence-based research, policies, strategies, and programming to support successful reentry and reintegration, including improved access to criminal justice data for research and evaluation purposes;
- (iii) promote regional partnerships among Federal agencies and with State, tribal, and local governments and organizations to advance local reentry and reintegration efforts;

(iv) identify ways to improve the accuracy of records of arrest, criminal adjudication, or conviction (criminal records); and

(v) identify and address unwarranted barriers to successful reentry.

(e) The Reentry Council shall engage with Federal, State, local, and tribal officials, including corrections officials, as necessary to carry out its objectives. The Reentry Council shall engage with nongovernmental organizations, including those representing or composed of formerly incarcerated individuals, exonerees, victims, and criminal justice agencies, to ensure that these stakeholders have the opportunity to offer recommendations and information to the Reentry Council.

(f) The Attorney General shall designate an Executive Director, who is a full-time officer or employee of the Federal Government, to coordinate the day-to-day functions of the Reentry Council.

(g) The Co-Chairs shall convene a meeting of the Reentry Council at least once per year.

SEC. 2. *Reducing Barriers to Employment.* (a) Agencies making suitability determinations for Federal employment shall review their procedures for evaluating an applicant's criminal records to ensure compliance with 5 CFR part 731 and any related, binding guidance issued by the Office of Personnel Management, with the aim of evaluating each individual's character and conduct.

(b) Consistent with applicable law and the need to protect public safety, agencies with statutory authority to grant or deny occupational licenses and the discretion to define the criteria by which such licensing decisions are made shall undertake to revise their procedures to provide that such licenses are not denied presumptively by reason of an applicant's criminal record in the absence of a specific determination that denial of the license is warranted in light of all relevant facts and circumstances known to the agency, including:

- (i) the nature and seriousness of the conduct resulting in the criminal record, including the circumstances surrounding the conduct and contributing societal conditions and the age of the individual at the time of the conduct;
- (ii) the time that has passed since the individual's arrest, adjudication, or conviction, or the completion of the individual's sentence, and the absence or presence of rehabilitation efforts; and
- (iii) the nature of the occupation requiring a license, including whether the criminal record is directly related to the occupation, whether the occupation offers the opportunity for the same or a similar offense to occur, and whether circumstances leading to the conviction will recur in the occupation.

(c) Independent agencies are encouraged to comply with the requirements of this section.

SEC. 3. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department, agency, entity, office, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

SEC. 4. *Publication.* The Attorney General is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 17502. Definition of Indian Tribe

In this Act, the term "Indian Tribe" has the meaning given that term in section 3791 of this title.