

Sec.

## PART C—ADMINISTRATION OF JUSTICE REFORMS

## SUBPART 1—IMPROVING FEDERAL OFFENDER REENTRY

60541. Federal prisoner reentry initiative.

## SUBPART 2—REENTRY RESEARCH

60551. Offender reentry research.

60552. Grants to study parole or post-incarceration supervision violations and revocations.

60553. Addressing the needs of children of incarcerated parents.

60554. Repealed.

60555. Authorization of appropriations for research.

**§ 60501. 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), respectively, 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 of 2008 Act note set out under section 10101 of this title and Tables.

#### CODIFICATION

Section was formerly classified to section 17501 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### EVALUATION OF THE SECOND CHANCE ACT PROGRAM

Pub. L. 115-391, title V, § 507, Dec. 21, 2018, 132 Stat. 5235, provided that:

“(a) EVALUATION OF THE SECOND CHANCE ACT GRANT PROGRAM.—Not later than 5 years after the date of enactment of this Act [Dec. 21, 2018], the National Institute of Justice shall evaluate the effectiveness of grants used by the Department of Justice to support offender reentry and recidivism reduction programs at the State, local, Tribal, and Federal levels. The National Institute of Justice shall evaluate the following:

“(1) The effectiveness of such programs in relation to their cost, including the extent to which the pro-

grams improve reentry outcomes, including employment, education, housing, reductions in recidivism, of participants in comparison to comparably situated individuals who did not participate in such programs and activities.

“(2) The effectiveness of program structures and mechanisms for delivery of services.

“(3) The impact of such programs on the communities and participants involved.

“(4) The impact of such programs on related programs and activities.

“(5) The extent to which such programs meet the needs of various demographic groups.

“(6) The quality and effectiveness of technical assistance provided by the Department of Justice to grantees for implementing such programs.

“(7) Such other factors as may be appropriate.

“(b) AUTHORIZATION OF FUNDS FOR EVALUATION.—Not more than 1 percent of any amounts authorized to be appropriated to carry out the Second Chance Act grant program shall be made available to the National Institute of Justice each year to evaluate the processes, implementation, outcomes, costs, and effectiveness of the Second Chance Act grant program in improving reentry and reducing recidivism. Such funding may be used to provide support to grantees for supplemental data collection, analysis, and coordination associated with evaluation activities.

“(c) TECHNIQUES.—Evaluations conducted under this section shall use appropriate methodology and research designs. Impact evaluations conducted under this section shall include the use of intervention and control groups chosen by random assignment methods, to the extent possible.

“(d) METRICS AND OUTCOMES FOR EVALUATION.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the National Institute of Justice shall consult with relevant stakeholders and identify outcome measures, including employment, housing, education, and public safety, that are to be achieved by programs authorized under the Second Chance Act grant program and the metrics by which the achievement of such outcomes shall be determined.

“(2) PUBLICATION.—Not later than 30 days after the date on which the National Institute of Justice identifies metrics and outcomes under paragraph (1), the Attorney General shall publish such metrics and outcomes identified.

“(e) DATA COLLECTION.—As a condition of award under the Second Chance Act grant program (including a subaward under section 3021(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10701(b))), grantees shall be required to collect and report to the Department of Justice data based upon the metrics identified under subsection (d). In accordance with applicable law, collection of individual-level data under a pledge of confidentiality shall be protected by the National Institute of Justice in accordance with such pledge.

“(f) DATA ACCESSIBILITY.—Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall—

“(1) make data collected during the course of evaluation under this section available in de-identified form in such a manner that reasonably protects a pledge of confidentiality to participants under subsection (e); and

“(2) make identifiable data collected during the course of evaluation under this section available to qualified researchers for future research and evaluation, in accordance with applicable law.

“(g) PUBLICATION AND REPORTING OF EVALUATION FINDINGS.—The National Institute of Justice shall—

“(1) not later than 365 days after the date on which the enrollment of participants in an impact evaluation is completed, publish an interim report on such evaluation;

“(2) not later than 90 days after the date on which any evaluation is completed, publish and make publicly available such evaluation; and

“(3) not later than 60 days after the completion date described in paragraph (2), submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on such evaluation.

“(h) SECOND CHANCE ACT GRANT PROGRAM DEFINED.— In this section, the term ‘Second Chance Act grant program’ means any grant program reauthorized under this title [see section 501 of Pub. L. 115-391, set out as a Short Title of 2018 Amendment note under section 10101 of this title] and the amendments made by this title.”

PROMOTING REHABILITATION AND REINTEGRATION OF FORMERLY INCARCERATED INDIVIDUALS

Memorandum of President of the United States, Apr. 29, 2016, 81 F.R. 26993, which established the Federal Interagency Reentry Council and directed agencies to take certain measures to reduce barriers to employment for formerly incarcerated individuals, was revoked by Ex. Ord. No. 13826, § 5, Mar. 7, 2018, 83 F.R. 10773.

**§ 60502. Definitions**

In this Act—

(1) the term “exoneree” means an individual who—

(A) has been convicted of a Federal, tribal, or State offense that is punishable by a term of imprisonment of more than 1 year;

(B) has served a term of imprisonment for not less than 6 months in a Federal, tribal, or State prison or correctional facility as a result of the conviction described in subparagraph (A); and

(C) has been determined to be factually innocent of the offense described in subparagraph (A);

(2) the term “Indian tribe” has the meaning given in section 10251 of this title;

(3) the term “offender” includes an exoneree; and

(4) the term “Transitional Jobs strategy” means an employment strategy for youth and adults who are chronically unemployed or those that have barriers to employment that—

(A) is conducted by State, tribal, and local governments, State, tribal, and local workforce boards, and nonprofit organizations;

(B) provides time-limited employment using individual placements, team placements, and social enterprise placements, without displacing existing employees;

(C) pays wages in accordance with applicable law, but in no event less than the higher of the rate specified in section 206(a)(1) of title 29 or the applicable State or local minimum wage law, which are subsidized, in whole or in part, by public funds;

(D) combines time-limited employment with activities that promote skill development, remove barriers to employment, and lead to unsubsidized employment such as a thorough orientation and individual assessment, job readiness and life skills training, case management and supportive services, adult education and training, child support-related services, job retention support and incentives, and other similar activities;

(E) places participants into unsubsidized employment; and

(F) provides job retention, re-employment services, and continuing and vocational edu-

cation to ensure continuing participation in unsubsidized employment and identification of opportunities for advancement.

(Pub. L. 110-199, § 4, Apr. 9, 2008, 122 Stat. 660; Pub. L. 115-391, title V, § 502(g)(1), Dec. 21, 2018, 132 Stat. 5231.)

REFERENCES IN TEXT

This Act, referred to in text, is 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 of 2008 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 17502 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Pub. L. 115-391 amended section generally. Prior to amendment, text read as follows: “In this Act, the term ‘Indian Tribe’ has the meaning given that term in section 10251 of this title.”

**§ 60503. Submission of reports to Congress**

Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives each report required by the Attorney General under this Act or an amendment made by this Act during the preceding year.

(Pub. L. 110-199, § 5, Apr. 9, 2008, 122 Stat. 660.)

REFERENCES IN TEXT

This Act, referred to in text, is 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 of 2008 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 17503 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 60504. Rule of construction**

Nothing in this Act or an amendment made by this Act shall be construed as creating a right or entitlement to assistance or services for any individual, program, or grant recipient. Each grant made under this Act or an amendment made by this Act shall—

(1) be made as competitive grants<sup>1</sup> to eligible entities for a 12-month period, except that grants awarded under section 113<sup>2</sup>, section 60521 of this title, section 60531 of this title, and section 60532<sup>2</sup> of this title or under section 10631 of this title may be made for a 24-month period; and

(2) require that services for participants, when necessary and appropriate, be transferred from programs funded under this Act or the amendment made by this Act, respec-

<sup>1</sup> So in original. Probably should be “as a competitive grant”.

<sup>2</sup> See References in Text note below.