

S 1060 IS

110th CONGRESS  
1st Session  
S. 1060

To reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

March 29, 2007

Mr. BIDEN (for himself, Mr. SPECTER, Mr. BROWNBACK, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

A BILL

To reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the `Recidivism Reduction and Second Chance Act of 2007' or the `Second Chance Act of 2007'.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings.
- Sec. 4. Submission of reports to Congress.

TITLE I--AMENDMENTS RELATED TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Subtitle A--Improvements to Existing Programs

Sec. 101. Reauthorization of adult and juvenile offender State and local reentry demonstration projects.

Sec. 102. Improvement of the residential substance abuse treatment for State offenders program.

### Subtitle B--New and Innovative Programs to Improve Offender Reentry Services

Sec. 111. State and local reentry courts.

Sec. 112. Grants for comprehensive and continuous offender reentry task forces.

Sec. 113. Prosecution drug treatment alternative to prison programs.

Sec. 114. Grants for family substance abuse treatment alternatives to incarceration.

Sec. 115. Prison-based family treatment programs for incarcerated parents of minor children.

Sec. 116. Grant programs relating to educational methods at prisons, jails, and juvenile facilities.

### Subtitle C--Conforming Amendments

Sec. 121. Use of violent offender truth-in-sentencing grant funding for demonstration project activities.

## TITLE II--ENHANCED DRUG TREATMENT AND MENTORING GRANT PROGRAMS

### Subtitle A--Drug Treatment

Sec. 201. Grants for demonstration programs to reduce drug use and recidivism in long-term substance abusers.

Sec. 202. Offender drug treatment incentive grants.

Sec. 203. Ensuring availability and delivery of new pharmacological drug treatment services.

Sec. 204. Study of effectiveness of depot naltrexone for heroin addiction.

Sec. 205. Authorization of appropriations.

### Subtitle B--Job Training

Sec. 211. Technology careers training demonstration grants.

Sec. 212. Grants to States for improved workplace and community transition training for incarcerated youth offenders.

### Subtitle C--Mentoring

Sec. 221. Mentoring grants to nonprofit organizations.

Sec. 222. Bureau of Prisons policy on mentoring contacts.

## Subtitle D--Administration of Justice Reforms

### Chapter 1--Improving Federal Offender Reentry

- Sec. 231. Federal prisoner reentry program.
- Sec. 232. Identification and release assistance for Federal prisoners.
- Sec. 233. Improved reentry procedures for Federal prisoners.
- Sec. 234. Duties of the Bureau of Prisons.
- Sec. 235. Authorization of appropriations for Bureau of Prisons.
- Sec. 236. Encouragement of employment of former prisoners.
- Sec. 237. Elderly nonviolent offender pilot program.

### Chapter 2--Reentry Research

- Sec. 241. Offender reentry research.
- Sec. 242. Grants to study parole or post-incarceration supervision violations and revocations.
- Sec. 243. Addressing the needs of children of incarcerated parents.

### Chapter 3--Correctional Reforms to Existing Law

- Sec. 251. Clarification of authority to place prisoner in community corrections.
- Sec. 252. Residential drug abuse program in Federal prisons.
- Sec. 253. Medical care for prisoners.
- Sec. 254. Contracting for services for post-conviction supervision offenders.

## SEC. 3. 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 2/3 of released State prisoners are expected to be rearrested 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 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 Serious and Violent Offender Reentry Initiative, 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 1/3 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 (in this paragraph referred to as 'SSAs'), manage the publicly funded substance abuse prevention and treatment system of the Nation. SSAs are responsible for planning and implementing State-wide 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 SSA 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.

#### SEC. 4. SUBMISSION OF REPORTS TO CONGRESS.

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

### TITLE I--AMENDMENTS RELATED TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

#### Subtitle A--Improvements to Existing Programs

#### SEC. 101. REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL REENTRY DEMONSTRATION PROJECTS.

(a) Adult and Juvenile Offender Demonstration Projects Authorized- Section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)) is amended by striking paragraphs (1) through (4) and inserting the following:

    (1) establishing or improving the system or systems under which--

        (A) correctional agencies and other criminal and juvenile justice agencies of the grant recipient develop and carry out plans to facilitate the reentry into the community of each offender in the custody of the jurisdiction involved;

        (B) the supervision and services provided to offenders in the custody of the jurisdiction involved are coordinated with the supervision and services provided to offenders after reentry into the community, including coordination with Comprehensive and Continuous Offender Reentry Task Forces under section 2902 or with similar planning groups;

        (C) the efforts of various public and private entities to provide supervision and services to offenders after reentry into the community, and to family members of such offenders, are coordinated; and

- ` (D) offenders awaiting reentry into the community are provided with documents (such as identification papers, referrals to services, medical prescriptions, job training certificates, apprenticeship papers, and information on obtaining public assistance) useful in achieving a successful transition from prison, jail, or a juvenile facility;
- ` (2) carrying out programs and initiatives by units of local government to strengthen reentry services for individuals released from local jails, including coordination with Comprehensive and Continuous Offender Reentry Task Forces under section 2902 or with similar planning groups;
- ` (3) assessing the literacy, educational, and vocational needs of offenders in custody and identifying and providing services appropriate to meet those needs, including follow-up assessments and long-term services;
- ` (4) facilitating collaboration among the corrections (including community corrections), technical school, community college, business, nonprofit, workforce development, and employment service sectors--
  - ` (A) to promote, where appropriate, the employment of people released from prison, jail, or a juvenile facility through efforts such as educating employers about existing financial incentives;
  - ` (B) to facilitate the creation of job opportunities, including transitional jobs and time-limited subsidized work experience (where appropriate);
  - ` (C) to connect offenders to employment (including supportive employment and employment services before their release to the community), provide work supports (including transportation and retention services), as appropriate, and identify labor market needs to ensure that education and training are appropriate; and
  - ` (D) to address obstacles to employment that are not directly connected to the offense committed and the risk that the offender presents to the community and provide case management services as necessary to prepare offenders for jobs that offer the potential for advancement and growth;
- ` (5) providing offenders with education, job training, responsible parenting and healthy relationship skills training (designed specifically to address the needs of fathers and mothers in or transitioning from prison, jail, or a juvenile facility), English literacy education, work experience programs, self-respect and life skills training, and other skills useful in achieving a successful transition from prison, jail, or a juvenile facility;
- ` (6) providing structured post-release housing and transitional housing (including group homes for recovering substance abusers (with appropriate safeguards that may include single-gender housing)) through which offenders are provided supervision and services immediately following reentry into the community;
- ` (7) assisting offenders in securing permanent housing upon release or following a stay in transitional housing;
- ` (8) providing substance abuse treatment and services (including providing a full continuum of substance abuse treatment services that encompasses outpatient services, comprehensive residential services and recovery, and recovery home services) to offenders reentering the community from prison, jail, or a juvenile facility;

- `(9) expanding family-based drug treatment centers that offer family-based comprehensive treatment services for parents and their children as a complete family unit, as appropriate to the safety, security, and well-being of the family;
- `(10) encouraging collaboration among juvenile and adult corrections, community corrections, and community health centers to allow access to affordable and quality primary health care for offenders during the period of transition from prison, jail, or a juvenile facility to the community;
- `(11) providing or facilitating health care services to offenders (including substance abuse screening, treatment, and aftercare, infectious disease screening and treatment, and screening, assessment, and aftercare for mental health services) to protect the communities in which offenders will live;
- `(12) enabling prison, jail, or juvenile facility mentors of offenders to remain in contact with those offenders (including through the use of all available technology) while in prison, jail, or a juvenile facility and after reentry into the community, and encouraging the involvement of prison, jail, or a juvenile facility mentors in the reentry process;
- `(13) systems under which family members of offenders are involved in facilitating the successful reentry of those offenders into the community (as appropriate to the safety, security, and well-being of the family), including removing obstacles to the maintenance of family relationships while the offender is in custody, strengthening the family's capacity to function as a stable living situation during reentry, and involving family members in the planning and implementation of the reentry process;
- `(14) creating, developing, or enhancing offender and family assessments, curricula, policies, procedures, or programs (including mentoring programs)--
  - `(A) to help offenders with a history or identified risk of domestic violence, dating violence, sexual assault, or stalking reconnect with their families and communities (as appropriate to the safety, security, and well-being of the family), and become non-abusive parents or partners; and
  - `(B) under which particular attention is paid to the safety of children affected and the confidentiality concerns of victims, and efforts are coordinated with victim service providers;
- `(15) maintaining the parent-child relationship, as appropriate to the safety, security, and well-being of the child as determined by the relevant corrections and child protective services agencies, including--
  - `(A) implementing programs in correctional agencies to include the collection of information regarding any dependent children of an offender as part of intake procedures, including the number, age, and location or jurisdiction of such children;
  - `(B) connecting those identified children with services as appropriate and needed;
  - `(C) carrying out programs (including mentoring) that support children of incarcerated parents, including those in foster care and those cared for by grandparents or other relatives (which is commonly referred to as kinship care);
  - `(D) developing programs and activities (including mentoring) that support parent-child relationships, as appropriate to the safety, security, and well-

being of the family, including technology to promote the parent-child relationship and to facilitate participation in parent-teacher conferences, books on tape programs, family days, and visitation areas for children while visiting an incarcerated parent;

`(E) helping incarcerated parents to learn responsible parenting and healthy relationship skills;

`(F) addressing visitation obstacles to children of an incarcerated parent, such as the location of facilities in remote areas, telephone costs, mail restrictions, and visitation policies; and

`(G) identifying and addressing obstacles to collaborating with child welfare agencies in the provision of services jointly to offenders in custody and to the children of such offenders;

`(16) carrying out programs for the entire family unit, including the coordination of service delivery across agencies;

`(17) facilitating and encouraging timely and complete payment of restitution and fines by offenders to victims and the community;

`(18) providing services as necessary to victims upon release of offenders, including security services and counseling, and facilitating the inclusion of victims, on a voluntary basis, in the reentry process;

`(19) establishing or expanding the use of reentry courts and other programs to--

`(A) monitor offenders returning to the community;

`(B) provide returning offenders with--

`(i) drug and alcohol testing and treatment; and

`(ii) mental and medical health assessment and services;

`(C) facilitate restorative justice practices and convene family or community impact panels, family impact educational classes, victim impact panels, or victim impact educational classes;

`(D) provide and coordinate the delivery of other community services to offenders, including--

`(i) employment training;

`(ii) education;

`(iii) housing assistance;

`(iv) children and family support, including responsible parenting and healthy relationship skill training designed specifically to address the needs of incarcerated and transitioning fathers and mothers;

`(v) conflict resolution skills training;

`(vi) family violence intervention programs; and

`(vii) other appropriate services; and

`(E) establish and implement graduated sanctions and incentives;

`(20) developing a case management reentry program that--

`(A) provides services to eligible veterans, as defined by the Attorney General; and

`(B) provides for a reentry service network solely for such eligible veterans that coordinates community services and veterans services for offenders who qualify for such veterans services; and

`(21) protecting communities against dangerous offenders, including--

`(A) conducting studies in collaboration with Federal research initiatives in effect on the date of enactment of the Second Chance Act of 2007, to determine which offenders are returning to prisons, jails, and juvenile facilities and which of those returning offenders represent the greatest risk to community safety;

`(B) developing and implementing procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

`(C) 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; and

`(D) developing and implementing procedures to identify efficiently and effectively those violators of probation, parole, or post-incarceration supervision who represent the greatest risk to community safety.'.

(b) Juvenile Offender Demonstration Projects Reauthorized- Section 2976(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(c)) is amended by striking `may be expended for' and all that follows through the period at the end and inserting `may be expended for any activity described in subsection (b).!.

(c) Applications; Requirements; Priorities; Performance Measurements- Section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended--

(1) by redesignating subsection (h) as subsection (o); and

(2) by striking subsections (d) through (g) and inserting the following:

`(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; and

`(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.

`(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, pre-release transition housing, and community release;
    - ^(B) establishing pre-release 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- Except as provided in subparagraph (B), the Federal share of a grant received under this section may not exceed 75 percent of the project funded under such grant in fiscal year 2008.
    - ^(B) WAIVER- Subparagraph (A) shall not apply if the Attorney General--
      - ^(i) waives, in whole or in part, the requirement of this paragraph; and

^(ii) publishes in the Federal Register the rationale for the waiver.

^(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) for offenders released from prison, jail, or a juvenile facility who are served with funds made available under this section by 50 percent over a period of 5 years.

^(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 234(c)(2) of the Second Chance Act of 2007;

`(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 an annual report to the Attorney General 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 section 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).

`(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, territories, 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 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 shall be available for administrative expenses in carrying out this section; and

`(2) not more than 2 percent 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.'

(d) Grant Authorization- Section 2976(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(a)) is amended by striking `States, Territories' and all that follows through the period at the end and inserting the following: `States, local governments, territories, or Indian tribes, or any combination thereof, in partnership with stakeholders, service providers, and nonprofit organizations.'

(e) Authorization of Appropriations- Section 2976(o) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w), as so redesignated by subsection (c) of this section, is amended--

(1) in paragraph (1), by striking `\$15,000,000 for fiscal year 2003' and all that follows and inserting `\$50,000,000 for each of fiscal years 2008 and 2009.'; and

(2) by amending paragraph (2) to read as follows:

`(2) LIMITATION- Of the amount made available to carry out this section in any fiscal year, not more than 3 percent or less than 2 percent may be used for technical assistance and training.'

## SEC. 102. IMPROVEMENT OF THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE OFFENDERS PROGRAM.

(a) Requirement for Aftercare Component- Section 1902(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff-1(c)), is amended--

(1) by striking the subsection heading and inserting `Requirement for Aftercare Component- ' ; and

(2) by amending paragraph (1) to read as follows:

`(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services, which may include case management services and a full continuum of support services that ensure providers furnishing services under that program are approved by the appropriate State or local agency, and licensed, if necessary, to provide medical treatment or other health services.'

(b) Definition- Section 1904(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff-3(d)) is amended to read as follows:

`(d) Residential Substance Abuse Treatment Program Defined- In this part, the term `residential substance abuse treatment program' means a course of comprehensive individual and group substance abuse treatment services, lasting a period of at least 6 months, in residential treatment facilities set apart from the general population of a prison or jail (which may include the use of pharmacological treatment, where appropriate, that may extend beyond such period).'

(c) Requirement for Study and Report on Aftercare Services- The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse, shall conduct a study on the use and effectiveness of funds used by the Department of Justice for aftercare services under section 1902(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by subsection (a) of this section, for offenders who reenter the community after completing a substance abuse program in prison or jail.

#### Subtitle B--New and Innovative Programs to Improve Offender Reentry Services

### SEC. 111. STATE AND LOCAL REENTRY COURTS.

(a) In General- Part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w et seq.) is amended by adding at the end the following:

### `SEC. 2978. STATE AND LOCAL REENTRY COURTS.

`(a) Grants Authorized- The Attorney General shall award grants, in accordance with this section, of not more than \$500,000 to--

`(1) State 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 2976(b)(19)).

`(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 returning to the community;

`(2) provide juvenile and adult offenders returning to the community with coordinated and comprehensive reentry services and programs such as--

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



`(e) Matching Requirements- The Federal share of a grant under this section may not exceed 75 percent of the costs of the project assisted by such grant unless the Attorney General--

`(1) waives, wholly or in part, the matching requirement under this subsection; and

`(2) publicly delineates the rationale for the waiver.

`(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 2008 and 2009 to carry out this section.

`(2) LIMITATIONS- Of the amount made available to carry out this section in any fiscal year--

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

`(B) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.'

## SEC. 112. GRANTS FOR COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part BB the following:

### *`PART CC--GRANTS FOR COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES*

#### *`SEC. 2901. AUTHORIZATION.*

`The Attorney General shall carry out a grant program under which the Attorney General makes grants to States, units of local government, territories, Indian tribes, and other public and private entities for the purpose of establishing and administering task forces (to be known as `Comprehensive and Continuous Offender Reentry Task Forces'), in accordance with this part.

#### *`SEC. 2902. COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES.*

`(a) In General- For purposes of this part, a Comprehensive and Continuous Offender Reentry Task Force is a planning group of a State, unit of local government, territory, or Indian tribe that--

- `(1) develops a community reentry plan, described in section 2903, for each juvenile and adult offender to be released from a correctional facility in the applicable jurisdiction;
  - `(2) supervises and assesses the progress of each such offender, with respect to such plan, starting on a date before the offender is released from a correctional facility and ending on the date on which the court supervision of such offender ends;
  - `(3) conducts a detailed assessment of the needs of each offender to address employment training, medical care, drug treatment, education, and any other identified need of the offender to assist in the offender's reentry;
  - `(4) demonstrates affirmative steps to implement such a community reentry plan by consulting and coordinating with other public and nonprofit entities, as appropriate;
  - `(5) establishes appropriate measurements for determining the efficacy of such community reentry plans by monitoring offender performance under such reentry plans;
  - `(6) complies with applicable State, local, territorial, and tribal rules and regulations regarding the provision of applicable services and treatment in the applicable jurisdiction; and
  - `(7) consults and coordinates with the Single State Authority for Substance Abuse (as that term is defined in section 201(e) of the Second Chance Act of 2007) and the criminal justice agencies of the State to ensure that offender reentry plans are coordinated and delivered in the most cost-effective manner, as determined by the Attorney General, in consultation with the grantee.
- `(b) Consultation Required- A Comprehensive and Continuous Offender Reentry Task Force for a county or other defined geographic area shall perform the duties described in paragraphs (1) and (2) of subsection (a) in consultation with representatives of--
- `(1) the criminal and juvenile justice and correctional facilities within that county or area;
  - `(2) the community health care services of that county or area;
  - `(3) the drug treatment programs of that county or area;
  - `(4) the employment services organizations available in that county or area;
  - `(5) the housing services organizations available in the county or area; and
  - `(6) any other appropriate community services available in the county or area.

## `SEC. 2903. COMMUNITY REENTRY PLAN DESCRIBED.

`For purposes of section 2902(a)(1), a community reentry plan for an offender is a plan relating to the reentry of the offender into the community and, according to the needs of the offender, shall--

- `(1) identify employment opportunities and goals;
- `(2) identify housing opportunities;
- `(3) provide for any needed drug treatment;
- `(4) provide for any needed mental health services;
- `(5) provide for any needed health care services;
- `(6) provide for any needed family counseling;
- `(7) provide for offender case management programs or services; and

`(8) provide for any other service specified by the Comprehensive and Continuous Offender Reentry Task Force as necessary for the offender.

`SEC. 2904. APPLICATION.

`To be eligible for a grant under this part, a State or other relevant entity shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General specifies. Such application shall contain such information as the Attorney General specifies.

`SEC. 2905. RULE OF CONSTRUCTION.

`Nothing in this part shall be construed as supplanting or modifying a sentence imposed by a court, including any terms of supervision.

`SEC. 2906. REPORTS.

`An entity that receives funds under this part for a Comprehensive and Continuous Offender Reentry Task Force during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of such Task Force during such fiscal year.

`SEC. 2907. AUTHORIZATION OF APPROPRIATIONS.

`There are authorized to be appropriated \$10,000,000 to carry out this section for each of fiscal years 2008 and 2009.'

SEC. 113. PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS.

(a) Authorization- Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by this Act, is amended by adding after part CC the following:

*`PART DD--PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS*

`SEC. 2911. GRANT AUTHORITY.

`(a) In General- The Attorney General may make grants to State and local prosecutors to develop, implement, or expand qualified drug treatment programs that are alternatives to imprisonment, in accordance with this part.

`(b) Qualified Drug Treatment Programs Described- For purposes of this part, a qualified drug treatment program is a program--

- `(1) that is administered by a State or local prosecutor;
- `(2) that requires an eligible offender who is sentenced to participate in the program (instead of incarceration) to participate in a comprehensive substance abuse treatment program that is approved by the State and licensed, if necessary, to provide medical and other health services;
- `(3) that requires an eligible offender to receive the consent of the State or local prosecutor involved to participate in such program;
- `(4) that, in the case of an eligible offender who is sentenced to participate in the program, requires the offender to serve a sentence of imprisonment with respect to the crime involved if the prosecutor, in conjunction with the treatment provider, determines that the offender has not successfully completed the relevant substance abuse treatment program described in paragraph (2);
- `(5) that provides for the dismissal of the criminal charges involved in an eligible offender's participation in the program if the offender is determined to have successfully completed the program;
- `(6) that requires each substance abuse provider treating an eligible offender under the program to--
  - `(A) make periodic reports of the progress of the treatment of that offender to the State or local prosecutor involved and to the appropriate court in which the eligible offender was convicted; and
  - `(B) notify such prosecutor and such court if the eligible offender absconds from the facility of the treatment provider or otherwise violates the terms and conditions of the program, consistent with Federal and State confidentiality requirements; and
- `(7) that has an enforcement unit comprised of law enforcement officers under the supervision of the State or local prosecutor involved, the duties of which shall include verifying an eligible offender's addresses and other contacts, and, if necessary, locating, apprehending, and arresting an eligible offender who has absconded from the facility of a substance abuse treatment provider or otherwise violated the terms and conditions of the program, consistent with Federal and State confidentiality requirements, and returning such eligible offender to court for sentencing for the crime involved.

## `SEC. 2912. USE OF GRANT FUNDS.

`(a) In General- A State or local prosecutor that receives a grant under this part shall use such grant for expenses of a qualified drug treatment program, including for the following expenses:

- `(1) Salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including the enforcement unit.
- `(2) Payments for substance abuse treatment providers that are approved by the State and licensed, if necessary, to provide alcohol and drug addiction treatment to eligible offenders participating in the program, including aftercare supervision, vocational training, education, and job placement.

`(3) Payments to public and nonprofit private entities that are approved by the State and licensed, if necessary, to provide alcohol and drug addiction treatment to offenders participating in the program.

`(b) Supplement and Not Supplant- Grants made under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for programs described in this part.

#### `SEC. 2913. APPLICATIONS.

`To request a grant under this part, a State or local prosecutor shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require. Each such application shall contain the certification by the State or local prosecutor that the program for which the grant is requested is a qualified drug treatment program, in accordance with this part.

#### `SEC. 2914. FEDERAL SHARE.

`The Federal share of a grant made under this part shall not exceed 75 percent of the total costs of the qualified drug treatment program funded by such grant for the fiscal year for which the program receives assistance under this part.

#### `SEC. 2915. GEOGRAPHIC DISTRIBUTION.

`The Attorney General shall ensure that, to the extent practicable, the distribution of grants under this part is equitable and includes State or local prosecutors--

`(1) in each State; and

`(2) in rural, suburban, and urban jurisdictions.

#### `SEC. 2916. REPORTS AND EVALUATIONS.

`For each fiscal year, each recipient of a grant under this part during that fiscal year shall submit to the Attorney General a report with respect to the effectiveness of activities carried out using that grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

#### `SEC. 2917. DEFINITIONS.

`In this part:

`(1) STATE OR LOCAL PROSECUTOR- The term `State or local prosecutor' means any district attorney, State attorney general, county attorney, or corporation counsel who has authority to prosecute criminal offenses under State or local law.

`(2) ELIGIBLE OFFENDER- The term `eligible offender' means an individual who--

`(A) has been convicted, pled guilty, or admitted guilt with respect to a crime for which a sentence of imprisonment is required and has not completed such sentence;

`(B) has never been charged with or convicted of an offense, during the course of which--

`(i) the individual carried, possessed, or used a firearm or dangerous weapon; or

`(ii) there occurred the use of force against the person of another, without regard to whether any of the behavior described in clause (i) is an element of the offense or for which the person is charged or convicted;

`(C) does not have 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm; and

`(D)(i) has received an assessment for alcohol or drug addiction from a substance abuse professional who is approved by the State and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate; and

`(ii) has been found to be in need of substance abuse treatment because that individual has a history of substance abuse that is a significant contributing factor to the criminal conduct of that individual.'

(b) Authorization of Appropriations- Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following new paragraph:

`(26) There are authorized to be appropriated to carry out part DD such sums as may be necessary for each of fiscal years 2008 and 2009.'

## SEC. 114. GRANTS FOR FAMILY SUBSTANCE ABUSE TREATMENT ALTERNATIVES TO INCARCERATION.

Title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3711 et seq.) is amended by inserting after part II the following:

### *`PART JJ--GRANTS FOR FAMILY SUBSTANCE ABUSE TREATMENT ALTERNATIVES TO INCARCERATION*

#### *`SEC. 3001. GRANTS AUTHORIZED.*

`The Attorney General may make grants to States, units of local government, territories, and Indian tribes to develop, implement, and expand comprehensive and clinically-appropriate family-based substance abuse treatment programs as alternatives to incarceration for nonviolent parent drug offenders.

#### *`SEC. 3002. USE OF GRANT FUNDS.*

`Grants made to an entity under section 3001 for a program described in such section may be used for the following:

- `(1) Salaries, personnel costs, facility costs, and other costs directly related to the operation of that program.
- `(2) Payments to providers of substance abuse treatment for providing treatment and case management to nonviolent parent drug offenders participating in that program, including comprehensive treatment for mental health disorders, parenting classes, educational classes, vocational training, and job placement.
- `(3) Payments to public and nonprofit private entities to provide substance abuse treatment to nonviolent parent drug offenders participating in that program.

### `SEC. 3003. PROGRAM REQUIREMENTS.

`A program for which a grant is made under section 3001 shall comply with the following requirements:

- `(1) The program shall ensure that all providers of substance abuse treatment are approved by the State and are licensed, if necessary, to provide medical and other health services.
- `(2) The program shall ensure appropriate coordination and consultation with the Single State Authority for Substance Abuse of the State (as that term is defined in section 201(e) of the Second Chance Act of 2007).
- `(3) The program shall consist of clinically-appropriate, comprehensive, and long-term family treatment, including the treatment of the nonviolent parent drug offender, the child of such offender, and any other appropriate member of the family of the offender.
- `(4) The program shall be provided in a residential setting that is not a hospital setting or an intensive outpatient setting.
- `(5) The program shall provide that if a nonviolent parent drug offender who participates in that program does not successfully complete the program the offender shall serve an appropriate sentence of imprisonment with respect to the underlying crime involved.
- `(6) The program shall ensure that a determination is made as to whether a nonviolent drug offender has completed the substance abuse treatment program.
- `(7) The program shall include the implementation of a system of graduated sanctions (including incentives) that are applied based on the accountability of the nonviolent parent drug offender involved throughout the course of that program to encourage compliance with that program.
- `(8) The program shall develop and implement a reentry plan for each nonviolent parent drug offender that shall include reinforcement strategies for family involvement as appropriate, relapse strategies, support groups, placement in transitional housing, and continued substance abuse treatment, as needed.

### `SEC. 3004. DEFINITIONS.

`In this part:

- `(1) NONVIOLENT PARENT DRUG OFFENDERS- The term 'nonviolent parent drug offender' means an offender who is--
  - `(A) a parent of an individual under 18 years of age; and

`(B) convicted of a drug (or drug-related) felony that is a nonviolent offense.  
`(2) NONVIOLENT OFFENSE- The term `nonviolent offense' has the meaning given that term in section 2991(a).

`SEC. 3005. AUTHORIZATION OF APPROPRIATIONS.

`There are authorized to be appropriated to carry out this part \$10,000,000 for each of fiscal years 2008 and 2009.'.

SEC. 115. PRISON-BASED FAMILY TREATMENT PROGRAMS FOR INCARCERATED PARENTS OF MINOR CHILDREN.

Title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3711 et seq.), is amended--

- (1) by redesignating part X as part KK; and
- (2) by adding at the end the following:

*`PART LL--PRISON-BASED FAMILY TREATMENT PROGRAMS FOR INCARCERATED PARENTS OF MINOR CHILDREN*

`SEC. 3021. GRANTS AUTHORIZED.

`The Attorney General may make grants to States, units of local government, territories, and Indian tribes to provide prison-based family treatment programs for incarcerated parents of minor children.

`SEC. 3022. USE OF GRANT FUNDS.

`An entity that receives a grant under this part shall use amounts provided under that grant to--

- `(1) develop, implement, and expand prison-based family treatment programs in correctional facilities for incarcerated parents with minor children, excluding from the programs those parents with respect to whom there is reasonable evidence of domestic violence or child abuse;
- `(2) coordinate the design and implementation of such programs between appropriate correctional facility representatives and the appropriate governmental agencies; and
- `(3) develop and implement a pre-release assessment and a reentry plan for each incarcerated parent scheduled to be released to the community, which shall include--
  - `(A) a treatment program for the incarcerated parent to receive continuous substance abuse treatment services and related support services, as needed;
  - `(B) a housing plan during transition from incarceration to reentry, as needed;
  - `(C) a vocational or employment plan, including training and job placement services; and
  - `(D) any other services necessary to provide successful reentry into the community.

## `SEC. 3023. PROGRAM REQUIREMENTS.

`A prison-based family treatment program for incarcerated parents with respect to which a grant is made shall comply with the following requirements:

- `(1) The program shall integrate techniques to assess the strengths and needs of immediate and extended family of the incarcerated parent to support a treatment plan of the incarcerated parent.
- `(2) The program shall ensure that each participant in that program has access to consistent and uninterrupted care if transferred to a different correctional facility within the State or other relevant entity.
- `(3) The program shall be located in an area separate from the general population of the prison.

## `SEC. 3024. APPLICATIONS.

`To be eligible for a grant under this part for a prison-based family treatment program, an entity described in section 3021 shall, in addition to any other requirement specified by the Attorney General, submit an application to the Attorney General in such form and manner and at such time as specified by the Attorney General. Such application shall include a description of the methods and measurements the entity will use for purposes of evaluating the program involved and such other information as the Attorney General may reasonably require.

## `SEC. 3025. REPORTS.

`An entity that receives a grant under this part for a prison-based family treatment program during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of that program during such fiscal year that--

- `(1) is based on evidence-based data; and
- `(2) uses the methods and measurements described in the application of that entity for purposes of evaluating that program.

## `SEC. 3026. PRISON-BASED FAMILY TREATMENT PROGRAM DEFINED.

`In this part, the term `prison-based family treatment program' means a program for incarcerated parents in a correctional facility that provides a comprehensive response to offender needs, including substance abuse treatment, child early intervention services, family counseling, legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, physical therapy, prenatal care, sexual abuse therapy, relapse prevention, transportation, and vocational or GED training.

## `SEC. 3027. AUTHORIZATION OF APPROPRIATIONS.

`There are authorized to be appropriated to carry out this part \$10,000,000 for each of fiscal years 2008 and 2009.'.

SEC. 116. GRANT PROGRAMS RELATING TO EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by this Act, is amended by adding at the end the following:

*^PART MM--GRANT PROGRAM TO EVALUATE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES*

*^SEC. 3031. GRANT PROGRAM TO EVALUATE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.*

*^(a) Grant Program Authorized-* The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian tribes, and other public and private entities to--

*^(1) evaluate methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities; and*

*^(2) identify, and make recommendations to the Attorney General regarding, best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities, based on the evaluation under paragraph (1).*

*^(b) Application-* To be eligible for a grant under this section, a State or other entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time and accompanied by such information as the Attorney General specifies.

*^(c) Report-* Not later than 90 days after the last day of the final fiscal year of a grant under this section, the entity described in subsection (a) receiving that grant shall submit to the Attorney General a detailed report of the aggregate findings and conclusions of the evaluation described in subsection (a)(1), conducted by that entity and the recommendations of that entity to the Attorney General described in subsection (a)(2).

*^(d) Authorization of Appropriations-* There are authorized to be appropriated \$5,000,000 to carry out this section for each of fiscal years 2008 and 2009.

*^SEC. 3032. GRANTS TO IMPROVE EDUCATIONAL SERVICES IN PRISONS, JAILS, AND JUVENILE FACILITIES.*

*^(a) Grant Program Authorized-* The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, and Indian tribes for the purpose of improving the academic and vocational education programs available to offenders in prisons, jails, and juvenile facilities.

*^(b) Application-* To be eligible for a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time, and accompanied by such information as the Attorney General specifies.

`(c) Reports- An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

`(d) Authorization of Appropriations- There are authorized to be appropriated \$10,000,000 to carry out this section for each of fiscal years 2008 and 2009.'.

#### Subtitle C--Conforming Amendments

### SEC. 121. USE OF VIOLENT OFFENDER TRUTH-IN-SENTENCING GRANT FUNDING FOR DEMONSTRATION PROJECT ACTIVITIES.

Section 20102(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is amended--

- (1) in paragraph (2) by striking `and' at the end;
- (2) in paragraph (3) by striking the period at the end and inserting `; and'; and
- (3) by adding at the end the following:  
` (4) to carry out any activity described in section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)).'.

## TITLE II--ENHANCED DRUG TREATMENT AND MENTORING GRANT PROGRAMS

### Subtitle A--Drug Treatment

### SEC. 201. GRANTS FOR DEMONSTRATION PROGRAMS TO REDUCE DRUG USE AND RECIDIVISM IN LONG-TERM SUBSTANCE ABUSERS.

(a) Awards Required- The Attorney General may make competitive grants to eligible partnerships, in accordance with this section, for the purpose of establishing demonstration programs to reduce the use of alcohol and other drugs by supervised long-term substance abusers during the period in which each such long-term substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser.

(b) Use of Grant Funds- A grant made under subsection (a) to an eligible partnership for a demonstration program, shall be used--

- (1) to support the efforts of the agencies, organizations, and researchers included in the eligible partnership, with respect to the program for which a grant is awarded under this section;
- (2) to develop and implement a program for supervised long-term substance abusers during the period described in subsection (a), which shall include--
  - (A) alcohol and drug abuse assessments that--
    - (i) are provided by a State-approved program; and
    - (ii) provide adequate incentives for completion of a comprehensive alcohol or drug abuse treatment program, including through the use of graduated sanctions; and
  - (B) coordinated and continuous delivery of drug treatment and case management services during such period; and

(3) to provide addiction recovery support services (such as job training and placement, peer support, mentoring, education, and other related services) to strengthen rehabilitation efforts for long-term substance abusers.

(c) Application- To be eligible for a grant under subsection (a) for a demonstration program, an eligible partnership shall submit to the Attorney General an application that--

(1) identifies the role, and certifies the involvement, of each agency, organization, or researcher involved in such partnership, with respect to the program;

(2) includes a plan for using judicial or other criminal or juvenile justice authority to supervise the long-term substance abusers who would participate in a demonstration program under this section, including for--

(A) administering drug tests for such abusers on a regular basis; and

(B) swiftly and certainly imposing an established set of graduated sanctions for non-compliance with conditions for reentry into the community relating to drug abstinence (whether imposed as a pre-trial, probation, or parole condition, or otherwise);

(3) includes a plan to provide supervised long-term substance abusers with coordinated and continuous services that are based on evidence-based strategies and that assist such abusers by providing such abusers with--

(A) drug treatment while in prison, jail, or a juvenile facility;

(B) continued treatment during the period in which each such long-term substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser;

(C) addiction recovery support services;

(D) employment training and placement;

(E) family-based therapies;

(F) structured post-release housing and transitional housing, including housing for recovering substance abusers; and

(G) other services coordinated by appropriate case management services;

(4) includes a plan for coordinating the data infrastructures among the entities included in the eligible partnership and between such entities and the providers of services under the demonstration program involved (including providers of technical assistance) to assist in monitoring and measuring the effectiveness of demonstration programs under this section; and

(5) includes a plan to monitor and measure the number of long-term substance abusers--

(A) located in each community involved; and

(B) who improve the status of their employment, housing, health, and family life.

(d) Reports to Congress-

(1) INTERIM REPORT- Not later than September 30, 2008, the Attorney General shall submit to Congress a report that identifies the best practices relating to the comprehensive and coordinated treatment of long-term substance abusers, including the best practices identified through the activities funded under this section.

(2) FINAL REPORT- Not later than September 30, 2009, the Attorney General shall submit to Congress a report on the demonstration programs funded under this section, including on the matters specified in paragraph (1).

(e) Definitions- In this section:

(1) ELIGIBLE PARTNERSHIP- The term `eligible partnership' means a partnership that includes--

(A) the applicable Single State Authority for Substance Abuse;

(B) the State, local, territorial, or tribal criminal or juvenile justice authority involved;

(C) a researcher who has experience in evidence-based studies that measure the effectiveness of treating long-term substance abusers during the period in which such abusers are under the supervision of the criminal or juvenile justice system involved;

(D) community-based organizations that provide drug treatment, related recovery services, job training and placement, educational services, housing assistance, mentoring, or medical services; and

(E) Federal agencies (such as the Drug Enforcement Agency, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the office of a United States attorney).

(2) LONG-TERM SUBSTANCE ABUSER- The term `long-term substance abuser' means an individual who--

(A) is in a prison, jail, or juvenile facility;

(B) has abused illegal drugs or alcohol for a significant number of years; and

(C) is scheduled to be released from prison, jail, or a juvenile facility during the 24-month period beginning on the date the relevant application is submitted under subsection (c).

(3) SINGLE STATE AUTHORITY FOR SUBSTANCE ABUSE- The term `Single State Authority for Substance Abuse' means an entity designated by the Governor or chief executive officer of a State as the single State administrative authority responsible for the planning, development, implementation, monitoring, regulation, and evaluation of substance abuse services in that State.

(f) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2008 and 2009.

## SEC. 202. OFFENDER DRUG TREATMENT INCENTIVE GRANTS.

(a) Grant Program Authorized- The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, and Indian tribes in an amount described in subsection (c) to improve the provision of drug treatment to offenders in prisons, jails, and juvenile facilities.

(b) Requirements for Application-

(1) IN GENERAL- To be eligible to receive a grant under subsection (a) for a fiscal year, an entity described in that subsection shall, in addition to any other requirements specified by the Attorney General, submit to the Attorney General an application that demonstrates that, with respect to offenders in prisons, jails, and juvenile facilities who require drug treatment and who are in the custody of the jurisdiction involved, during the previous fiscal year that entity provided drug treatment meeting the standards established by the Single State Authority for Substance Abuse (as that term is defined in section 201) for the relevant State to a number of such offenders that is 2

times the number of such offenders to whom that entity provided drug treatment during the fiscal year that is 2 years before the fiscal year for which that entity seeks a grant.

(2) OTHER REQUIREMENTS- An application under this section shall be submitted in such form and manner and at such time as specified by the Attorney General.

(c) Allocation of Grant Amounts Based on Drug Treatment Percent Demonstrated- The Attorney General shall allocate amounts under this section for a fiscal year based on the percent of offenders described in subsection (b)(1) to whom an entity provided drug treatment in the previous fiscal year, as demonstrated by that entity in its application under that subsection.

(d) Uses of Grants- A grant awarded to an entity under subsection (a) shall be used--

(1) for continuing and improving drug treatment programs provided at prisons, jails, and juvenile facilities of that entity; and

(2) to strengthen rehabilitation efforts for offenders by providing addiction recovery support services, such as job training and placement, education, peer support, mentoring, and other similar services.

(e) Reports- An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of such grant.

(f) Authorization of Appropriations- There are authorized to be appropriated \$10,000,000 to carry out this section for each of fiscal years 2008 and 2009.

## SEC. 203. ENSURING AVAILABILITY AND DELIVERY OF NEW PHARMACOLOGICAL DRUG TREATMENT SERVICES.

(a) Grant Program Authorized- The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration, shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian tribes, and public and private organizations to establish pharmacological drug treatment services as part of the available drug treatment programs being offered by such grantees to offenders who are in prison or jail.

(b) Consideration of Pharmacological Treatments- In awarding grants under this section to eligible entities, the Attorney General shall consider--

(1) the number and availability of pharmacological treatments offered under the program involved; and

(2) the participation of researchers who are familiar with evidence-based studies and are able to measure the effectiveness of such treatments using randomized trials.

(c) Applications-

(1) IN GENERAL- To be eligible for a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General specifies.

(2) INFORMATION REQUIRED- An application submitted under paragraph (1) shall--

(A) provide assurances that grant funds will be used only for a program that is created in coordination with (or approved by) the Single State Authority for

Substance Abuse (as that term is defined in section 201) of the State involved to ensure pharmacological drug treatment services provided under that program are clinically appropriate;

(B) demonstrate how pharmacological drug treatment services offered under the program are part of a clinically-appropriate and comprehensive treatment plan; and

(C) contain such other information as the Attorney General specifies.

(d) Reports- An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

#### SEC. 204. STUDY OF EFFECTIVENESS OF DEPOT NALTREXONE FOR HEROIN ADDICTION.

(a) Grant Program Authorized- The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse, shall carry out a grant program under which the Attorney General may make grants to public and private research entities (including consortia, single private research entities, and individual institutions of higher education) to evaluate the effectiveness of depot naltrexone for the treatment of heroin addiction.

(b) Evaluation Program- To be eligible to receive a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application that--

(1) contains such information as the Attorney General specifies, including information that demonstrates that--

(A) the applicant conducts research at a private or public institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1101);

(B) the applicant has a plan to work with parole officers or probation officers for offenders who are under court supervision; and

(C) the evaluation described in subsection (a) will measure the effectiveness of such treatments using randomized trials; and

(2) is in such form and manner and at such time as the Attorney General specifies.

(c) Reports- An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

#### SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$10,000,000 to carry out sections 203 and 204 for each of fiscal years 2008 and 2009.

Subtitle B--Job Training

#### SEC. 211. TECHNOLOGY CAREERS TRAINING DEMONSTRATION GRANTS.

(a) Authority To Make Grants- From amounts made available to carry out this section, the Attorney General shall make grants to States, units of local government, territories, and Indian tribes to provide technology career training to prisoners.

(b) Use of Funds- A grant awarded under subsection (a) may be used to establish a technology careers training program to train prisoners during the 3-year period before release from prison, jail, or a juvenile facility for technology-based jobs and careers.

(c) Reports- An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant during that fiscal year.

(d) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2008 and 2009.

## SEC. 212. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

## `SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

`(a) Definition- For purposes of this section, the term `youth offender' means a male or female offender under the age of 35, who is incarcerated in a State prison, including a prerelease facility.

`(b) Grant Program- The Secretary of Education (in this section referred to as the `Secretary')--

`(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, from allocations for the States under subsection (h), to assist and encourage youth offenders to acquire functional literacy, life, and job skills, through--

`(A) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree while in prison; and

`(B) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

`(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

`(c) Application- To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for a youth offender program that--

`(1) identifies the scope of the problem, including the number of youth offenders in need of postsecondary education and career and technical education;

`(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;



`(e) Student Eligibility- A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender--

`(1) is eligible to be released within 5 years (including a youth offender who is eligible for parole within such time); and

`(2) is 35 years of age or younger.

`(f) Length of Participation- A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a secondary school diploma or its recognized equivalent. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may continue for not more than 1 year after release from confinement.

`(g) Education Delivery Systems- State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

`(h) Allocation of Funds- From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

`(i) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$30,000,000 for fiscal years 2008 and 2009.'

#### Subtitle C--Mentoring

### SEC. 221. MENTORING GRANTS TO NONPROFIT ORGANIZATIONS.

(a) Authority To Make Grants- From amounts made available to carry out this section, the Attorney General shall make grants to nonprofit organizations for the purpose of providing mentoring and other transitional services essential to reintegrating offenders into the community.

(b) Use of Funds- A grant awarded under subsection (a) may be used for--

(1) mentoring adult and juvenile offenders during incarceration, through transition back to the community, and post-release;

(2) transitional services to assist in the reintegration of offenders into the community; and

(3) training regarding offender and victims issues.

(c) Application; Priority Consideration-

(1) IN GENERAL- To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require.

(2) PRIORITY CONSIDERATION- Priority consideration shall be given to any application under this section that--

(A) includes a plan to implement activities that have been demonstrated effective in facilitating the successful reentry of offenders; and

(B) provides for an independent evaluation that includes, to the maximum extent feasible, random assignment of offenders to program delivery and control groups.

(d) Strategic Performance Outcomes- The Attorney General shall require each applicant under this section to identify specific performance outcomes related to the long-term goal of stabilizing communities by reducing recidivism (using a measure that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6)), and reintegrating offenders into society.

(e) Reports- An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant during that fiscal year and that identifies the progress of the grantee toward achieving its strategic performance outcomes.

(f) Authorization of Appropriations- There are authorized to be appropriated to the Attorney General to carry out this section \$15,000,000 for each of fiscal years 2008 and 2009.

## SEC. 222. BUREAU OF PRISONS POLICY ON MENTORING CONTACTS.

(a) In General- Not later than 90 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall, in order to promote stability and continued assistance to offenders after release from prison, adopt and implement a policy to ensure that any person who provides mentoring services to an incarcerated offender is permitted to continue such services after that offender is released from prison. That policy shall permit the continuation of mentoring services unless the Director demonstrates that such services would be a significant security risk to the offender, incarcerated offenders, persons who provide such services, or any other person.

(b) Report- Not later than September 30, 2008, the Director of the Bureau of Prisons shall submit to Congress a report on the extent to which the policy described in subsection (a) has been implemented and followed.

### Subtitle D--Administration of Justice Reforms

## CHAPTER 1--IMPROVING FEDERAL OFFENDER REENTRY

### SEC. 231. FEDERAL PRISONER REENTRY PROGRAM.

(a) Establishment- The Director of the Bureau of Prisons (in this chapter referred to as the 'Director') shall establish a prisoner reentry strategy to help prepare prisoners for release and successful reintegration into the community, which shall require that the Bureau of Prisons--

- (1) assess each prisoner's skill level (including academic, vocational, health, cognitive, interpersonal, daily living, and related reentry skills) at the beginning of the term of imprisonment of that prisoner to identify any areas in need of improvement prior to reentry;
- (2) generate a skills development plan for each prisoner to monitor skills enhancement and reentry readiness throughout incarceration;
- (3) determine program assignments for prisoners based on the areas of need identified through the assessment described in paragraph (1);

- (4) ensure that priority is given to the reentry needs of high-risk populations, such as sex offenders, career criminals, and prisoners with mental health problems;
  - (5) coordinate and collaborate with other Federal agencies and with State and local criminal justice agencies, community-based organizations, and faith-based organizations to help effectuate a seamless reintegration of prisoners into their communities;
  - (6) collect information about a prisoner's family relationships, parental responsibilities, and contacts with children to help prisoners maintain important familial relationships and support systems during incarceration and after release from custody; and
  - (7) provide incentives for prisoner participation in skills development programs.
- (b) Incentives for Participation in Skills Development Programs- A prisoner who participates in reentry and skills development programs may, at the discretion of the Director, receive any of the following incentives:
- (1) The maximum allowable period in a community confinement facility.
  - (2) A reduction in the term of imprisonment of that prisoner, except that such reduction may not be more than 1 year from the term the prisoner must otherwise serve.
  - (3) Such other incentives as the Director considers appropriate.

#### SEC. 232. IDENTIFICATION AND RELEASE ASSISTANCE FOR FEDERAL PRISONERS.

- (a) Obtaining Identification- The Director shall assist prisoners in obtaining identification (including a social security card, driver's license or other official photo identification, or birth certificate) prior to release.
- (b) Assistance Developing Release Plan- At the request of a direct-release prisoner, a representative of the United States Probation System shall, prior to the release of that prisoner, help that prisoner develop a release plan.
- (c) Direct-Release Prisoner Defined- In this section, the term 'direct-release prisoner' means a prisoner who is scheduled for release and will not be placed in pre-release custody.

#### SEC. 233. IMPROVED REENTRY PROCEDURES FOR FEDERAL PRISONERS.

The Attorney General shall take such steps as are necessary to modify the procedures and policies of the Department of Justice with respect to the transition of offenders from the custody of the Bureau of Prisons to the community--

- (1) to enhance case planning and implementation of reentry programs, policies, and guidelines;
- (2) to improve such transition to the community, including placement of such individuals in community corrections facilities; and
- (3) to foster the development of collaborative partnerships with stakeholders at the national and local levels to facilitate the exchange of information and the development of resources to enhance opportunities for successful offender reentry.

#### SEC. 234. DUTIES OF THE BUREAU OF PRISONS.

(a) Duties of the Bureau of Prisons Expanded- Section 4042(a) of title 18, United States Code, is amended--

- (1) in paragraph (4), by striking `and' at the end;
- (2) in paragraph (5), by striking the period and inserting a semicolon; and
- (3) by adding at the end the following:
  - `(6) establish pre-release planning procedures that help prisoners--
    - `(A) apply for Federal and State benefits upon release (including Social Security Cards, Social Security benefits, and veterans' benefits); and
    - `(B) secure such identification and benefits prior to release, subject to any limitations in law; and
  - `(7) establish reentry planning procedures that include providing Federal prisoners with information in the following areas:
    - `(A) Health and nutrition.
    - `(B) Employment.
    - `(C) Literacy and education.
    - `(D) Personal finance and consumer skills.
    - `(E) Community resources.
    - `(F) Personal growth and development.
    - `(G) Release requirements and procedures.'.

(b) Measuring the Removal of Obstacles to Reentry-

- (1) PROGRAM REQUIRED- The Director shall carry out a program under which each institution within the Bureau of Prisons codes the reentry needs and deficits of prisoners, as identified by an assessment tool that is used to produce an individualized skills development plan for each inmate.
- (2) TRACKING- In carrying out the program under this subsection, the Director shall quantitatively track, by institution and Bureau-wide, the progress in responding to the reentry needs and deficits of individual inmates.
- (3) ANNUAL REPORT- On an annual basis, the Director shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that documents the progress of each institution within the Bureau of Prisons, and of the Bureau as a whole, in responding to the reentry needs and deficits of inmates. The report shall be prepared in a manner that groups institutions by security level to allow comparisons of similar institutions.
- (4) EVALUATION- The Director shall--
  - (A) implement a formal standardized process for evaluating the success of each institution within the Bureau of Prisons in enhancing skills and resources to assist in reentry; and
  - (B) ensure that--
    - (i) each institution is held accountable for low performance under such an evaluation; and
    - (ii) plans for corrective action are developed and implemented as necessary.

(c) Measuring and Improving Recidivism Outcomes-

- (1) ANNUAL REPORT REQUIRED-
  - (A) IN GENERAL- At the end of each fiscal year, the Director shall submit to the Committee on the Judiciary of the Senate and the Committee on the

Judiciary of the House of Representatives a report containing the statistics demonstrating the relative reduction in recidivism for inmates released by the Bureau of Prisons within that fiscal year and the 2 prior fiscal years, comparing inmates who participated in major inmate programs (including residential drug treatment, vocational training, and prison industries) with inmates who did not participate in such programs. Such statistics shall be compiled separately for each such fiscal year.

(B) SCOPE- A report under this paragraph is not required to include statistics for a fiscal year that begins before the date of the enactment of this Act.

(C) CONTENTS- Each report under this paragraph shall provide the recidivism statistics for the Bureau of Prisons as a whole, and separately for each institution of the Bureau.

(2) MEASURE USED- In preparing the reports required by paragraph (1), the Director shall, in consultation with the Director of the Bureau of Justice Statistics, select a measure for recidivism (such as rearrest, reincarceration, or any other valid, evidence-based measure) that the Director considers appropriate and that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6).

(3) GOALS-

(A) IN GENERAL- After the Director submits the first report required by paragraph (1), the Director shall establish goals for reductions in recidivism rates and shall work to attain those goals.

(B) CONTENTS- The goals established under subparagraph (A) shall use the relative reductions in recidivism measured for the fiscal year covered by that first report as a baseline rate, and shall include--

(i) a 5-year goal to increase, at a minimum, the baseline relative reduction rate by 2 percent; and

(ii) a 10-year goal to increase, at a minimum, the baseline relative reduction rate by 5 percent within 10 fiscal years.

(d) Format- Any written information that the Bureau of Prisons provides to inmates for reentry planning purposes shall use common terminology and language.

(e) Medical Care- The Bureau of Prisons shall provide the United States Probation and Pretrial Services System with relevant information on the medical care needs and the mental health treatment needs of inmates scheduled for release from custody. The United States Probation and Pretrial Services System shall take this information into account when developing supervision plans in an effort to address the medical care and mental health care needs of such individuals. The Bureau of Prisons shall provide inmates with a sufficient amount of all necessary medications (which will normally consist of, at a minimum, a 2-week supply of such medications) upon release from custody.

## SEC. 235. AUTHORIZATION OF APPROPRIATIONS FOR BUREAU OF PRISONS.

There are authorized to be appropriated to the Director to carry out sections 231, 232, 233, and 234 of this chapter, \$5,000,000 for each of the fiscal years 2008 and 2009.

## SEC. 236. ENCOURAGEMENT OF EMPLOYMENT OF FORMER PRISONERS.

The Attorney General, in consultation with the Secretary of Labor, shall take such steps as are necessary to implement a program to educate employers and the one-stop partners and one-stop operators (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) that provide services at any center operated under a one-stop delivery system established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) regarding incentives (including the Federal bonding program of the Department of Labor and tax credits) for hiring former Federal, State, or local prisoners.

## SEC. 237. ELDERLY NONVIOLENT OFFENDER PILOT PROGRAM.

### (a) Program Established-

(1) IN GENERAL- Notwithstanding section 3624 of title 18, United States Code, or any other provision of law, the Director shall conduct a pilot program to determine the effectiveness of removing each eligible elderly offender from a Bureau of Prison facility and placing that offender on home detention until the date on which the term of imprisonment to which that offender was sentenced expires.

### (2) TIMING OF PLACEMENT IN HOME DETENTION-

(A) IN GENERAL- In carrying out the pilot program under paragraph (1), the Director shall--

(i) in the case of an offender who is determined to be an eligible elderly offender on or before the date specified in subparagraph (B), place such offender on home detention not later than 180 days after the date of enactment of this Act; and

(ii) in the case of an offender who is determined to be an eligible elderly offender after the date specified in subparagraph (B) and before the date that is 3 years and 91 days after the date of enactment of this Act, place such offender on home detention not later than 90 days after the date of that determination.

(B) DATE SPECIFIED- For purposes of subparagraph (A), the date specified in this subparagraph is the date that is 90 days after the date of enactment of this Act.

(3) VIOLATION OF TERMS OF HOME DETENTION- A violation by an eligible elderly offender of the terms of home detention (including the commission of another Federal, State, or local crime) shall result in the removal of that offender from home detention and the return of that offender to the designated Bureau of Prisons institution in which that offender was imprisoned immediately before placement on home detention under paragraph (1).

### (b) Scope of Pilot Program-

(1) PARTICIPATING DESIGNATED FACILITIES- The pilot program under subsection (a) shall be conducted through at least 1 Bureau of Prisons institution designated by the Director as appropriate for the pilot program.

(2) DURATION- The pilot program shall be conducted during each of fiscal years 2008 and 2009.

### (c) Program Evaluation-

(1) IN GENERAL- The Director shall contract with an independent organization to monitor and evaluate the progress of each eligible elderly offender placed on home

detention under subsection (a)(1) for the period that offender is on home detention during the period described in subsection (b)(2).

(2) ANNUAL REPORT- The organization described in paragraph (1) shall annually submit to the Director and to Congress a report on the pilot program under subsection (a)(1), which shall include--

(A) an evaluation of the effectiveness of the pilot program in providing a successful transition for eligible elderly offenders from incarceration to the community, including data relating to the recidivism rates for such offenders; and

(B) the cost savings to the Federal Government resulting from the early removal of such offenders from incarceration.

(3) PROGRAM ADJUSTMENTS- Upon review of the report submitted under paragraph (2), the Director shall submit recommendations to Congress for adjustments to the pilot program, including its expansion to additional facilities.

(d) Definitions- In this section:

(1) ELIGIBLE ELDERLY OFFENDER- The term 'eligible elderly offender' means an offender in the custody of the Bureau of Prisons who--

(A) is not less than 60 years of age;

(B) is serving a term of imprisonment after conviction for an offense other than a crime of violence (as that term is defined in section 16 of title 18, United States Code) and has served the greater of 10 years or 1/2 of the term of imprisonment of that offender;

(C) has not been convicted in the past of any Federal or State crime of violence;

(D) has not been determined by the Bureau of Prisons, on the basis of information the Bureau uses to make custody classifications, and in the sole discretion of the Bureau, to have a history of violence; and

(E) has not escaped, or attempted to escape, from a Bureau of Prisons institution.

(2) HOME DETENTION- The term 'home detention' has the same meaning given the term in the Federal Sentencing Guidelines, and includes detention in a nursing home or other residential long-term care facility.

(3) TERM OF IMPRISONMENT- The term 'term of imprisonment' includes multiple terms of imprisonment ordered to run consecutively or concurrently, which shall be treated as a single, aggregate term of imprisonment for purposes of this section.

(e) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2008 and 2009.

## CHAPTER 2--REENTRY RESEARCH

### SEC. 241. OFFENDER REENTRY RESEARCH.

(a) National Institute of Justice- The National Institute of Justice may conduct research on juvenile and adult offender reentry, including--

- (1) a study identifying the number and characteristics of minor children who have had a parent incarcerated, and the likelihood of such minor children becoming involved in the criminal justice system some time in their lifetime;
  - (2) a study identifying a mechanism to compare rates of recidivism (including rearrest, violations of parole, probation, post-incarceration supervision, and reincarceration) among States; and
  - (3) a study on the population of offenders released from custody who do not engage in recidivism and the characteristics (housing, employment, treatment, family connection) of that population.
- (b) Bureau of Justice Statistics- The Bureau of Justice Statistics may conduct research on offender reentry, including--
- (1) an analysis of special populations (including prisoners with mental illness or substance abuse disorders, female offenders, juvenile offenders, offenders with limited English proficiency, and the elderly) that present unique reentry challenges;
  - (2) studies to determine which offenders are returning to prison, jail, or a juvenile facility and which of those returning offenders represent the greatest risk to victims and community safety;
  - (3) annual reports on the demographic characteristics of the population returning to society from prisons, jails, and juvenile facilities;
  - (4) a national recidivism study every 3 years;
  - (5) a study of parole, probation, or post-incarceration supervision violations and revocations; and
  - (6) a study concerning the most appropriate measure to be used when reporting recidivism rates (whether rearrest, reincarceration, or any other valid, evidence-based measure).
- (c) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2008 and 2009.

## SEC. 242. GRANTS TO STUDY PAROLE OR POST-INCARCERATION SUPERVISION VIOLATIONS AND REVOCATIONS.

- (a) Grants Authorized- From amounts made available to carry out this section, the Attorney General may make grants to States to study and to improve the collection of data with respect to individuals whose parole or post-incarceration supervision is revoked, and which such individuals represent the greatest risk to victims and community safety.
- (b) Application- As a condition of receiving a grant under this section, a State shall--
- (1) certify that the State has, or intends to establish, a program that collects comprehensive and reliable data with respect to individuals described in subsection (a), including data on--
    - (A) the number and type of parole or post-incarceration supervision violations that occur with the State;
    - (B) the reasons for parole or post-incarceration supervision revocation;
    - (C) the underlying behavior that led to the revocation; and
    - (D) the term of imprisonment or other penalty that is imposed for the violation; and

- (2) provide the data described in paragraph (1) to the Bureau of Justice Statistics, in a form prescribed by the Bureau.
- (c) Analysis- Any statistical analysis of population data under this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.
- (d) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2008 and 2009.

## SEC. 243. ADDRESSING THE NEEDS OF CHILDREN OF INCARCERATED PARENTS.

- (a) Best Practices-
- (1) IN GENERAL- The Attorney General shall collect data and develop best practices of State corrections departments and child protection agencies relating to the communication and coordination between such State departments and agencies to ensure the safety and support of children of incarcerated parents (including those in foster care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.
- (2) CONTENTS- The best practices developed under paragraph (1) shall include information related to policies, procedures, and programs that may be used by States to address--
- (A) maintenance of the parent-child bond during incarceration;
- (B) parental self-improvement; and
- (C) parental involvement in planning for the future and well-being of their children.
- (b) Dissemination to States- Not later than 1 year after the date of enactment of this Act, the Attorney General shall disseminate to States and other relevant entities the best practices described in subsection (a).
- (c) Sense of Congress- It is the sense of Congress that States and other relevant entities should use the best practices developed and disseminated in accordance with this section to evaluate and improve the communication and coordination between State corrections departments and child protection agencies to ensure the safety and support of children of incarcerated parents (including those in foster care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

## CHAPTER 3--CORRECTIONAL REFORMS TO EXISTING LAW

### SEC. 251. CLARIFICATION OF AUTHORITY TO PLACE PRISONER IN COMMUNITY CORRECTIONS.

- (a) Pre-Release Custody- Section 3624(c) of title 18, United States Code, is amended to read as follows:
- (c) Pre-Release Custody-

`(1) IN GENERAL- The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility.

`(2) HOME CONFINEMENT AUTHORITY- The authority under this subsection may be used to place a prisoner in home confinement for the shorter of 10 percent of the term of imprisonment of that prisoner or 6 months.

`(3) ASSISTANCE- The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during pre-release custody under this subsection.

`(4) NO LIMITATIONS- Nothing in this subsection shall be construed to limit or restrict the authority of the Director of the Bureau of Prisons under section 3621.

`(5) REPORTING- Not later than 1 year after the date of enactment of the Recidivism Reduction and Second Chance Act of 2007 (and every year thereafter), the Director of the Bureau of Prisons shall transmit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report describing the Bureau's utilization of community corrections facilities. Each report under this paragraph shall set forth the number and percentage of Federal prisoners placed in community corrections facilities during the preceding year, the average length of such placements, trends in such utilization, the reasons some prisoners are not placed in community corrections facilities, and any other information that may be useful to the committees in determining if the Bureau is utilizing community corrections facilities in an effective manner.

`(6) ISSUANCE OF REGULATIONS- The Director of Bureau of Prisons shall issue regulations pursuant to this subsection not later than 90 days after the date of enactment of the Recidivism Reduction and Second Chance Act of 2007.'

(b) Courts May Not Require a Sentence of Imprisonment To Be Served in a Community Corrections Facility- Section 3621(b) of title 18, United States Code, is amended by adding at the end the following: `Any order, recommendation, or request by a sentencing court that a convicted person serve a term of imprisonment in a community corrections facility shall have no binding effect on the authority of the Bureau under this section to determine or change the place of imprisonment of that person.'

## SEC. 252. RESIDENTIAL DRUG ABUSE PROGRAM IN FEDERAL PRISONS.

Section 3621(e)(5)(A) of title 18, United States Code, is amended by striking `means a course of' and all that follows and inserting the following: `means a course of individual and group activities and treatment, lasting at least 6 months, in residential treatment facilities set apart from the general prison population (which may include the use of pharmacotherapies, where appropriate, that may extend beyond the 6-month period);'.

## SEC. 253. MEDICAL CARE FOR PRISONERS.

Section 3621 of title 18, United States Code, is further amended by adding at the end the following new subsection:

`(g) Continued Access to Medical Care-

`(1) IN GENERAL- In order to ensure a minimum standard of health and habitability, the Bureau of Prisons shall ensure that each prisoner in a community confinement facility has access to necessary medical care, mental health care, and medicine.

`(2) DEFINITION- In this subsection, the term `community confinement' has the meaning given that term in the application notes under section 5F1.1 of the Federal Sentencing Guidelines Manual, as in effect on the date of the enactment of the Second Chance Act of 2007.'.

## SEC. 254. CONTRACTING FOR SERVICES FOR POST-CONVICTION SUPERVISION OFFENDERS.

Section 3672 of title 18, United States Code, is amended by inserting after the third sentence in the seventh undesignated paragraph the following: `He also shall have the authority to contract with any appropriate public or private agency or person to monitor and provide services to any offender in the community, including treatment, equipment and emergency housing, corrective and preventative guidance and training, and other rehabilitative services designed to protect the public and promote the successful reentry of the offender into the community.'.

*END*

---

*Published courtesy of:*

*29 March 2007*

**FedCURE**  
**P.O. Box 15667**  
**Plantation, Florida 33318-5667**  
**USA**

**Web Site:** <http://www.FedCURE.org>

**E-mail:** [FedCURE@FedCURE.org](mailto:FedCURE@FedCURE.org)

**E-fax:** (408) 549-8935

**Please Donate and Join Now:** <http://www.fedcure.org/join.shtml>

**Subscribe to our free discussion group e-mail:** [FedCURE-org-subscribe@yahoogroups.com](mailto:FedCURE-org-subscribe@yahoogroups.com)

**"Using Technology to Bring About Federal Criminal Justice Reform" tm**  
**[WWW.FEDCURE.ORG](http://WWW.FEDCURE.ORG) 2002-2007. All rights reserved.**