

108TH CONGRESS
2D SESSION

H. R. 4676

To reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2004

Mr. PORTMAN (for himself, Mr. DAVIS of Illinois, Mr. SOUDER, Mrs. JONES of Ohio, Mr. CHABOT, and Mr. CANNON) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Second Chance Act
3 of 2004: Community Safety Through Recidivism Preven-
4 tion” or the “Second Chance Act of 2004”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) In 2002, 2,000,000 people were incarcer-
8 ated in Federal or State prisons or in local jails.
9 Nearly 650,000 people are released from incarcer-
10 ation to communities nationwide each year.

11 (2) There are over 3,200 jails throughout the
12 United States, the vast majority of which are oper-
13 ated by county governments. Each year, these jails
14 will release in excess of 10,000,000 people back into
15 the community.

16 (3) Nearly two-thirds of released State pris-
17 oners are expected to be rearrested for a felony or
18 serious misdemeanor within three years after re-
19 lease.

20 (4) In his 2004 State of the Union address,
21 President Bush correctly stated: “We know from
22 long experience that if [former prisoners] can’t find
23 work, or a home, or help, they are much more likely
24 to commit more crimes and return to prison. . . .
25 America is the land of the second chance, and when

1 the gates of the prison open, the path ahead should
2 lead to a better life.”

3 (5) In recent years, a number of States and
4 local governments have begun to establish improved
5 systems for reintegrating former prisoners. Under
6 such systems, corrections officials begin to plan for
7 a prisoner’s release while the prisoner is incarcerated
8 and provide a transition to needed services in the
9 community.

10 (6) Faith leaders and parishioners have a long
11 history helping ex-offenders transform their lives.
12 Through prison ministries and outreach in commu-
13 nities, churches and faith-based organizations have
14 pioneered re-entry services to prisoners and their
15 families.

16 (7) Successful reentry protects those who might
17 otherwise be crime victims. It also improves the like-
18 lihood that individuals released from prison or juve-
19 nile detention facilities can pay fines, fees, restitue-
20 tion, and family support.

21 (8) According to the Bureau of Justice Statis-
22 tics, expenditures on corrections alone increased
23 from \$9,000,000,000 in 1982 to \$44,000,000,000 in
24 1997. These figures do not include the cost of arrest

1 and prosecution, nor do they take into account the
2 cost to victims.

3 (9) Increased recidivism results in profound col-
4 lateral consequences, including public health risks,
5 homelessness, unemployment, and disenfranchise-
6 ment.

7 (10) The high prevalence of infectious disease,
8 substance abuse, and mental health disorders that
9 has been found in incarcerated populations demands
10 that a recovery model of treatment should be used
11 for handling the more than two-thirds of all offend-
12 ers with such needs.

13 (11) One of the most significant costs of pris-
14 oner reentry is the impact on children, the weakened
15 ties among family members, and destabilized com-
16 munities. The long-term generational effects of a so-
17 cial structure in which imprisonment is the norm
18 and law-abiding role models are absent are difficult
19 to measure but undoubtedly exist.

20 (12) According to the 2001 national data from
21 the Bureau of Justice Statistics, 3,500,000 parents
22 were supervised by the correctional system. Prior to
23 incarceration, 64 percent of female prisoners and 44
24 percent of male prisoners in State facilities lived
25 with their children.

1 (13) Between 1991 and 1999, the number of
2 children with a parent in a Federal or State correc-
3 tional facility increased by more than 100 percent,
4 from approximately 900,000 to approximately
5 2,000,000. According to the Bureau of Prisons,
6 there is evidence to suggest that inmates who are
7 connected to their children and families are more
8 likely to avoid negative incidents and have reduced
9 sentences.

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

19 (15) Studies have shown that from 15 percent
20 to 27 percent of prisoners expect to go to homeless
21 shelters upon release from prison.

22 (16) The National Institute of Justice has
23 found that after one year of release, up to 60 per-
24 cent of former inmates are not employed.

1 (17) Fifty-seven percent of Federal and 70 per-
2 cent of State inmates used drugs regularly before
3 prison, with some estimates of involvement with
4 drugs or alcohol around the time of the offense as
5 high as 84 percent (BJS Trends in State Parole,
6 1990–2000).

7 (18) According to the Bureau of Justice Statis-
8 tics, 60 to 83 percent of the Nation’s correctional
9 population have used drugs at some point in their
10 lives. This is twice the estimated drug use of the
11 total United States population of 40 percent.

12 (19) Family-based treatment programs have
13 proven results for serving the special population of
14 female offenders and substance abusers with chil-
15 dren. An evaluation by the Substance Abuse and
16 Mental Health Services Administration of family-
17 based treatment for substance abusing mothers and
18 children found that at six months post treatment, 60
19 percent of the mothers remain alcohol and drug free,
20 and drug related offenses declined from 28 to 7 per-
21 cent. Additionally, a 2003 evaluation of residential
22 family based treatment programs revealed that 60
23 percent of mothers remained clean and sober six
24 months after treatment, criminal arrests declined by

1 43 percent, and 88 percent of the children treated
2 in the program with their mothers remain stabilized.

3 (20) A Bureau of Justice Statistics analysis in-
4 dicated that only 33 percent of Federal and 36 per-
5 cent of State inmates had participated in residential
6 inpatient treatment programs for alcohol and drug
7 abuse 12 months before their release. Further, over
8 one-third of all jail inmates have some physical or
9 mental disability and 25 percent of jail inmates have
10 been treated at some time for a mental or emotional
11 problem.

12 (21) According to the National Institute of Lit-
13 eracy, 70 percent of all prisoners function at the two
14 lowest literacy levels.

15 (22) The Bureau of Justice Statistics has found
16 that 27 percent of Federal inmates, 40 percent of
17 State inmates, and 47 percent of local jail inmates
18 have never completed high school or its equivalent.
19 Furthermore, the Bureau of Justice Statistics has
20 found that less educated inmates are more likely to
21 be recidivists. Only 1 in 4 local jails offer basic adult
22 education programs.

23 (23) Participation in State correctional edu-
24 cation programs lowers the likelihood of reincarcer-
25 ation by 29 percent, according to a recent United

1 States Department of Education study. A Federal
2 Bureau of Prisons study found a 33 percent drop in
3 recidivism among federal prisoners who participated
4 in vocational and apprenticeship training.

5 **SEC. 3. REAUTHORIZATION OF ADULT AND JUVENILE OF-**
6 **FENDER STATE AND LOCAL REENTRY DEM-**
7 **ONSTRATION PROJECTS.**

8 (a) ADULT AND JUVENILE OFFENDER DEMONSTRA-
9 TION PROJECTS AUTHORIZED.—Section 2976 of the Om-
10 nibus Crime Control and Safe Streets Act of 1968 (42
11 U.S.C. 3797w) is amended in subsection (b) by striking
12 paragraphs (1) through (4) and inserting the following
13 new paragraphs:

14 “(1) establishing or improving the system or
15 systems under which—

16 “(A) the correctional agency of the State
17 or local government develops and carries out
18 plans to facilitate the reentry into the commu-
19 nity of each offender in State or local custody;

20 “(B) the supervision and services provided
21 to offenders in State or local custody are co-
22 ordinated with the supervision and services pro-
23 vided to offenders after reentry into the com-
24 munity;

1 “(C) the efforts of various public and pri-
2 vate entities to provide supervision and services
3 to offenders after reentry into the community,
4 and to family members of such offenders, are
5 coordinated; and

6 “(D) offenders awaiting reentry into the
7 community are provided with documents (such
8 as identification papers, referrals to services,
9 medical prescriptions, job training certificates,
10 apprenticeship papers, and information on ob-
11 taining public assistance) useful in achieving a
12 successful transition from prison;

13 “(2) carrying out programs and initiatives by
14 units of local government to strengthen reentry serv-
15 ices for individuals released from local jails;

16 “(3) enabling prison mentors of offenders to re-
17 main in contact with those offenders, including
18 through the use of such technology as
19 videoconferencing, during incarceration and after re-
20 entry into the community and encouraging the in-
21 volvement of prison mentors in the reentry process;

22 “(4) providing structured post-release housing
23 and transitional housing, including group homes for
24 recovering substance abusers, through which offend-

1 ers are provided supervision and services imme-
2 diately following reentry into the community;

3 “(5) assisting offenders in securing permanent
4 housing upon release or following a stay in transi-
5 tional housing;

6 “(6) providing continuity of health services (in-
7 cluding mental health services, substance abuse
8 treatment and aftercare, and treatment for con-
9 tagious diseases) to offenders in custody and after
10 reentry into the community;

11 “(7) providing offenders with education, job
12 training, English as a second language programs,
13 work experience programs, self-respect and life skills
14 training, and other skills useful in achieving a suc-
15 cessful transition from prison;

16 “(8) facilitating collaboration among corrections
17 and community corrections, technical schools, com-
18 munity colleges, and the workforce development and
19 employment service sectors to—

20 “(A) promote, where appropriate, the em-
21 ployment of people released from prison and
22 jail, through efforts such as educating employ-
23 ers about existing financial incentives and facili-
24 tate the creation of job opportunities, including

1 transitional jobs, for this population that will
2 benefit communities;

3 “(B) connect inmates to employment, in-
4 cluding supportive employment and employment
5 services, before their release to the community;
6 and

7 “(C) addressing barriers to employment;

8 “(9) assessing the literacy and educational
9 needs of offenders in custody and identifying and
10 providing services appropriate to meet those needs,
11 including follow-up assessments and long-term serv-
12 ices;

13 “(10) systems under which family members of
14 offenders are involved in facilitating the successful
15 reentry of those offenders into the community, in-
16 cluding removing obstacles to the maintenance of
17 family relationships while the offender is in custody,
18 strengthening the family’s capacity as a stable living
19 situation during re-entry where appropriate, and in-
20 volving family members in the planning and imple-
21 mentation of the re-entry process;

22 “(11) programs under which victims are in-
23 cluded, on a voluntary basis, in the reentry process;

24 “(12) programs that facilitate visitation and
25 maintenance of family relationships with respect to

1 offenders in custody by addressing obstacles such as
2 travel, telephone costs, mail restrictions, and restric-
3 tive visitation policies;

4 “(13) identifying and addressing barriers to col-
5 laborating with child welfare agencies in the provi-
6 sion of services jointly to offenders in custody and
7 to the children of such offenders;

8 “(14) implementing programs in correctional
9 agencies to include the collection of information re-
10 garding any dependent children of an incarcerated
11 person as part of intake procedures, including the
12 number of children, age, and location or jurisdiction,
13 and connect identified children with appropriate
14 services;

15 “(15) addressing barriers to the visitation of
16 children with an incarcerated parent, and mainte-
17 nance of the parent-child relationship, such as the
18 location of facilities in remote areas, telephone costs,
19 mail restrictions, and visitation policies;

20 “(16) creating, developing, or enhancing pris-
21 oner and family assessments curricula, policies, pro-
22 cedures, or programs (including mentoring pro-
23 grams) to help prisoners with a history or identified
24 risk of domestic violence, dating violence, sexual as-
25 sult, or stalking reconnect with their families and

1 communities as appropriate (or when it is safe to do
2 so) and become mutually respectful, nonabusive par-
3 ents or partners, under which particular attention is
4 paid to the safety of children affected and the con-
5 fidentiality concerns of victims, and efforts are co-
6 ordinated with existing victim service providers;

7 “(17) developing programs and activities that
8 support parent-child relationships, such as—

9 “(A) using telephone conferencing to per-
10 mit incarcerated parents to participate in par-
11 ent-teacher conferences;

12 “(B) using videoconferencing to allow vir-
13 tual visitation when incarcerated persons are
14 more than 100 miles from their families;

15 “(C) the development of books on tape
16 programs, through which incarcerated parents
17 read a book into a tape to be sent to their chil-
18 dren;

19 “(D) the establishment of family days,
20 which provide for longer visitation hours or
21 family activities; or

22 “(E) the creation of children’s areas in vis-
23 itation rooms with parent-child activities;

24 “(18) expanding family-based treatment centers
25 that offer family-based comprehensive treatment

1 services for parents and their children as a complete
2 family unit;

3 “(19) conducting studies to determine who is
4 returning to prison or jail and which of those return-
5 ing prisoners represent the greatest risk to commu-
6 nity safety;

7 “(20) developing or adopting procedures to en-
8 sure that dangerous felons are not released from
9 prison prematurely;

10 “(21) developing and implementing procedures
11 to assist relevant authorities in determining when re-
12 lease is appropriate and in the use of data to inform
13 the release decision;

14 “(22) developing and implementing procedures
15 to identify efficiently and effectively those violators
16 of probation or parole who should be returned to
17 prison;

18 “(23) utilizing established assessment tools to
19 assess the risk factors of returning inmates and
20 prioritizing services based on risk;

21 “(24) conducting studies to determine who is
22 returning to prison or jail and which of those return-
23 ing prisoners represent the greatest risk to commu-
24 nity safety;

1 “(25) facilitating and encouraging timely and
2 complete payment of restitution and fines by ex-of-
3 fenders to victims and the community;

4 “(26) developing or adopting procedures to en-
5 sure that dangerous felons are not released from
6 prison prematurely;

7 “(27) establishing or expanding the use of re-
8 entry courts to—

9 “(A) monitor offenders returning to the
10 community;

11 “(B) provide returning offenders with—

12 “(i) drug and alcohol testing and
13 treatment; and

14 “(ii) mental and medical health as-
15 sessment and services;

16 “(C) facilitate restorative justice practices
17 and convene family or community impact pan-
18 els, family impact educational classes, victim
19 impact panels, or victim impact educational
20 classes;

21 “(D) provide and coordinate the delivery of
22 other community services to offenders, includ-
23 ing—

24 “(i) housing assistance;

25 “(ii) education;

1 “(iii) employment training;
 2 “(iv) children and family support;
 3 “(v) conflict resolution skills training;
 4 “(vi) family violence intervention pro-
 5 grams; and
 6 “(vii) other appropriate social serv-
 7 ices; and
 8 “(E) establish and implement graduated
 9 sanctions and incentives; and
 10 “(28) providing technology to advance post re-
 11 lease supervision.”.

12 (b) JUVENILE OFFENDER DEMONSTRATION
 13 PROJECTS REAUTHORIZED.—Such section is further
 14 amended in subsection (c) by striking “may be expended
 15 for” and all that follows through the period at the end
 16 and inserting “may be expended for any activity referred
 17 to in subsection (b).”.

18 (c) APPLICATIONS; PRIORITIES; PERFORMANCE
 19 MEASUREMENTS.—Such section is further amended—

20 (1) by redesignating subsection (h) as sub-
 21 section (o); and

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

24 “(d) APPLICATIONS.—A State, unit of local govern-
 25 ment, territory, or Indian tribe desiring a grant under this

1 section shall submit an application to the Attorney Gen-
2 eral that—

3 “(1) contains a reentry strategic plan, which
4 describes the long-term strategy, and a detailed im-
5 plementation schedule, including the jurisdiction’s
6 plans to pay for the program after the Federal fund-
7 ing is discontinued;

8 “(2) identifies the governmental agencies and
9 community and faith-based organizations that will
10 be coordinated by, and collaborate on, the appli-
11 cant’s prisoner reentry strategy and certifies their
12 involvement; and

13 “(3) describes the methodology and outcome
14 measures that will be used in evaluating the pro-
15 gram.

16 “(e) PRIORITY CONSIDERATION.—The Attorney Gen-
17 eral shall give priority to grant applications that best—

18 “(1) focus initiative on geographic areas with a
19 substantiated high population of ex-offenders;

20 “(2) include partnerships with community-based
21 organizations, including faith-based organizations;

22 “(3) provide consultations with crime victims
23 and former incarcerated prisoners and their families;

24 “(4) review the process by which the State ad-
25 judicates violations of parole or supervised release

1 and consider reforms to maximize the use of grad-
2 uated, community-based sanctions for minor and
3 technical violations of parole or supervised release;

4 “(5) establish pre-release planning procedures
5 for prisoners to ensure that a prisoner’s eligibility
6 for Federal or State benefits (including Medicaid,
7 Medicare, Social Security, and Veterans benefits)
8 upon release is established prior to release, subject
9 to any limitations in law, and to ensure that pris-
10 oners are provided with referrals to appropriate so-
11 cial and health services or are linked to appropriate
12 community-based organizations; and

13 “(6) target high-risk offenders for reentry pro-
14 grams through validated assessment tools.

15 “(f) REQUIREMENTS.—The Attorney General may
16 make a grant to an applicant only if the application—

17 “(1) reflects explicit support of the chief execu-
18 tive officer of the State or unit of local government,
19 territory, or Indian tribe applying for a grant under
20 this section;

21 “(2) provides extensive discussion of the role of
22 State corrections departments, community correc-
23 tions agencies, juvenile justice systems, or local jail
24 systems in ensuring successful reentry of ex-offend-
25 ers into their communities;

1 “(3) provides extensive evidence of collaboration
2 with State and local government agencies overseeing
3 health, housing, child welfare, education, and em-
4 ployment services, and local law enforcement;

5 “(4) provides a plan for analysis of existing
6 State statutory, regulatory, rules-based, and prac-
7 tice-based hurdles to a prisoner’s reintegration into
8 the community that—

9 “(A) takes particular note of laws, regula-
10 tions, rules, and practices that: disqualify
11 former prisoners from obtaining professional li-
12 censes or other requirements necessary for cer-
13 tain types of employment; and that hinder full
14 civic participation; and

15 “(B) identifies those laws, regulations,
16 rules, or practices that are not directly con-
17 nected to the crime committed and the risk that
18 the ex-offender presents to the community; and

19 “(5) includes the use of a State or local task
20 force to carry out the activities funded under the
21 grant.

22 “(g) USES OF GRANT FUNDS.—

23 “(1) FEDERAL SHARE.—The Federal share of a
24 grant received under this section may not exceed 75

1 percent of the project funded under the grant, unless
2 the Attorney General—

3 “(A) waives, in whole or in part, the re-
4 quirement of this paragraph; and

5 “(B) publicly delineates the rationale for
6 the waiver.

7 “(2) SUPPLEMENT NOT SUPPLANT.—Federal
8 funds received under this section shall be used to
9 supplement, not supplant, non-Federal funds that
10 would otherwise be available for the activities funded
11 under this section.

12 “(h) REENTRY STRATEGIC PLAN.—

13 “(1) As a condition of receiving financial assist-
14 ance under this section, each applicant shall develop
15 a comprehensive strategic reentry plan that contains
16 measurable annual and 5- to 10-year performance
17 outcomes. The plan shall have as a goal to reduce
18 the rate of recidivism of incarcerated persons served
19 with funds from this section within the State by 50
20 percent over a period of 10 years.

21 “(2) In developing reentry plans under this sub-
22 section, applicants shall coordinate with communities
23 and stakeholders, including experts in the fields of
24 public safety, corrections, housing, health, education,

1 employment, and members of community and faith-
2 based organizations that provide reentry services.

3 “(3) Each reentry plan developed under this
4 subsection shall measure the applicant’s progress to-
5 ward increasing public safety by reducing rates of
6 recidivism and enabling released offenders to transi-
7 tion successfully back into their communities.

8 “(i) REENTRY TASK FORCE.—As a condition of re-
9 ceiving financial assistance under this section, each State
10 or local government receiving a grant shall establish a Re-
11 entry Task Force or other relevant convening authority
12 to examine ways to pool existing resources and funding
13 streams to promote lower recidivism rates for returning
14 prisoners and to minimize the harmful effects of incarcer-
15 ation on families and communities by collecting data and
16 best practices in offender re-entry from demonstration
17 grantees and other agencies and organizations. The task
18 force or other authority shall be comprised of relevant
19 State or local leaders, agencies, service providers, commu-
20 nity-based organizations, or stakeholders.

21 “(j) STRATEGIC PERFORMANCE OUTCOMES.—

22 “(1) Each applicant shall identify specific per-
23 formance outcomes related to the long-term goals of
24 increasing public safety and reducing recidivism.

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

4 “(A) recommitment rates;

5 “(B) reduction in crime;

6 “(C) employment and education;

7 “(D) violations of conditions of supervised
8 release;

9 “(E) child support;

10 “(F) housing;

11 “(G) drug and alcohol abuse; and

12 “(H) participation in mental health serv-
13 ices.

14 “(3) States may also report on other activities
15 that increase the success rates of offenders who
16 transition from prison, such as programs that foster
17 effective risk management and treatment program-
18 ming, offender accountability, and community and
19 victim participation.

20 “(4) Applicants should coordinate with commu-
21 nities and stakeholders about the selection of per-
22 formance outcomes identified by the applicants and
23 with the Department of Justice for assistance with
24 data collection and measurement activities.

1 “(5) Each grantee shall submit an annual re-
2 port to the Department of Justice that—

3 “(A) identifies the grantee’s progress to-
4 ward achieving its strategic performance out-
5 comes; and

6 “(B) describes other activities conducted
7 by the grantee to increase the success rates of
8 the reentry population.

9 “(k) PERFORMANCE MEASUREMENT.—

10 “(1) The Department of Justice shall, in con-
11 sultation with the States—

12 “(A) identify primary and secondary
13 sources of information to support the measure-
14 ment of the performance indicators identified
15 under this section;

16 “(B) identify sources and methods of data
17 collection in support of performance measure-
18 ment required under this section;

19 “(C) provide to all grantees technical as-
20 sistance and training on performance measures
21 and data collection for purposes of this section;
22 and

23 “(D) coordinate with the Substance Abuse
24 and Mental Health Services Administration on
25 strategic performance outcome measures and

1 data collection for purposes of this section relat-
2 ing to substance abuse and mental health.

3 “(2) The Department of Justice shall coordi-
4 nate with other Federal agencies to identify national
5 sources of information to support State performance
6 measurement.

7 “(1) FUTURE ELIGIBILITY.—To be eligible to receive
8 a grant under this section for fiscal years after the first
9 receipt of such a grant, a State shall submit to the Attor-
10 ney General such information as is necessary to dem-
11 onstrate that—

12 “(1) the State has adopted a re-entry plan that
13 reflects input from community-based and faith-based
14 organizations;

15 “(2) the State’s re-entry plan includes perform-
16 ance measures to assess the State’s progress toward
17 increasing public safety by reducing by 10 percent
18 over the 2-year period the rate at which individuals
19 released from prison who participate in the re-entry
20 system supported by Federal funds are recommitted
21 to prison; and

22 “(3) the State will coordinate with the Depart-
23 ment of Justice, community-based and faith-based
24 organizations, and other experts regarding the selec-

1 tion and implementation of the performance meas-
2 ures described in subsection (k).

3 “(m) NATIONAL ADULT AND JUVENILE OFFENDER
4 REENTRY RESOURCE CENTER.—

5 “(1) The Attorney General may, using amounts
6 made available to carry out this subsection, make a
7 grant to an eligible organization to provide for the
8 establishment of a National Adult and Juvenile Of-
9 fender Reentry Resource Center.

10 “(2) An organization eligible for the grant
11 under paragraph (1) is any national nonprofit orga-
12 nization approved by the Federal task force estab-
13 lished under the Second Chance Act of 2004 that
14 represents, provides technical assistance and train-
15 ing to, and has special expertise and broad, national-
16 level experience in offender re-entry programs, train-
17 ing, and research.

18 “(3) The organization receiving the grant shall
19 establish a National Adult and Juvenile Offender
20 Reentry Resource Center to—

21 “(A) provide education, training, and tech-
22 nical assistance for States, local governments,
23 service providers, faith based organizations, and
24 corrections institutions;

1 “(B) collect data and best practices in of-
2 fender re-entry from demonstration grantees
3 and others agencies and organizations;

4 “(C) develop and disseminate evaluation
5 tools, mechanisms, and measures to better as-
6 sess and document coalition performance meas-
7 ures and outcomes;

8 “(D) disseminate knowledge to States and
9 other relevant entities about best practices, pol-
10 icy standards, and research findings;

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

15 “(F) develop and implement procedures to
16 identify efficiently and effectively those violators
17 of probation or parole who should be returned
18 to prison and those who should receive other
19 penalties based on defined, graduated sanctions;

20 “(G) collaborate with the Federal task
21 force established under the Second Chance Act
22 of 2004 and the Federal Resource Center for
23 Children of Prisoners;

24 “(H) develop a national research agenda;
25 and

1 community-based organizations, States, and local govern-
2 ments, shall establish an interagency task force on Federal
3 programs and activities relating to the reentry of offenders
4 into the community.

5 (b) DUTIES.—The task force required by subsection
6 (a) shall—

7 (1) identify such programs and activities that
8 may be resulting in overlapping or duplication of
9 services, the scope of such overlapping or duplica-
10 tion, and the relationship of such overlapping and
11 duplication to public safety, public health, and effec-
12 tiveness and efficiency;

13 (2) identify methods to improve collaboration
14 and coordination of such programs and activities;

15 (3) identify areas of responsibility in which im-
16 proved collaboration and coordination of such pro-
17 grams and activities would result in increased effec-
18 tiveness or efficiency;

19 (4) develop innovative interagency or intergov-
20 ernmental programs, activities, or procedures that
21 would improve outcomes of reentering offenders and
22 children of offenders;

23 (5) develop methods for increasing regular com-
24 munication that would increase interagency program
25 effectiveness;

1 (6) identify areas of research that can be co-
2 ordinated across agencies with an emphasis on ap-
3 plying science-based practices to support, treatment,
4 and intervention programs for reentering offenders;

5 (7) identify funding areas that should be co-
6 ordinated across agencies and any gaps in funding;
7 and

8 (8) identify successful programs currently oper-
9 ating and collect best practices in offender reentry
10 from demonstration grantees and other agencies and
11 organizations, determine the extent to which such
12 programs and practices can be replicated, and make
13 information on such programs and practices avail-
14 able to States, localities, community-based organiza-
15 tions, and others.

16 (c) REPORT.—Not later than 1 year after the date
17 of the enactment of this Act, the task force required by
18 subsection (a) shall submit a report, including rec-
19 ommendations, to Congress on barriers to reentry. The re-
20 port shall identify Federal barriers to successful reentry
21 of offenders into the community and analyze the effects
22 of such barriers on offenders and on children and other
23 family members of offenders, including—

- 1 (1) parental incarceration as a consideration for
2 purposes of family reunification under the Adoption
3 and Safe Families Act of 1997;
- 4 (2) admissions in Federal housing programs;
- 5 (3) child support obligations and procedures;
- 6 (4) Social Security benefits, Veterans benefits,
7 food stamps, and other forms of Federal public as-
8 sistance;
- 9 (5) Medicaid and Medicare procedures, require-
10 ments, regulations, and guidelines;
- 11 (6) education programs, financial assistance,
12 and civic participation;
- 13 (7) TANF program funding criteria and other
14 welfare benefits;
- 15 (8) employment;
- 16 (9) re-entry procedures, case planning, and
17 transitions of persons from the custody of the Fed-
18 eral Bureau of Prisons to a Federal parole or proba-
19 tion program or community corrections;
- 20 (10) laws, regulations, rules, and practices that
21 may require a parolee to return to the same county
22 that they were living in before their arrest so that
23 parolees can change their setting upon release and
24 not go back to the same neighborhood full of people
25 who may be negative influences; and

1 (11) trying to establish pre-release planning
2 procedures for prisoners to ensure that a prisoner’s
3 eligibility for federal or state benefits (including
4 Medicaid, Medicare, Social Security and Veterans
5 benefits) upon release is established prior to release,
6 subject to any limitations in law; and to ensure that
7 prisoners are provided with referrals to appropriate
8 social and health services or are linked to appro-
9 priate community-based organizations.

10 (d) ANNUAL REPORTS.—On an annual basis, the
11 task force required by subsection (a) shall submit to Con-
12 gress a report on the activities of the task force, including
13 specific recommendations of the task force on matters re-
14 ferred to in subsection (b).

15 **SEC. 5. OFFENDER RE-ENTRY RESEARCH.**

16 (a) NATIONAL INSTITUTE OF JUSTICE.—From
17 amounts made available to carry out this Act, the National
18 Institute of Justice may conduct research on offender re-
19 entry, including—

20 (1) a study identifying the number and charac-
21 teristics of children who have had a parent incarcer-
22 ated and the likelihood of these minors becoming in-
23 volved in the criminal justice system some time in
24 their lifetime;

1 (2) a study identifying a mechanism to compare
2 rates of recidivism (including re-arrest, violations of
3 parole and probation, and re-incarceration) among
4 States; and

5 (3) a study on the population of individuals re-
6 leased from custody who do not engage in recidivism
7 and the characteristics (housing, employment, treat-
8 ment, family connection) of that population.

9 (b) BUREAU OF JUSTICE STATISTICS.—From
10 amounts made available to carry out this Act, the Bureau
11 of Justice Statistics may conduct research on offender re-
12 entry, including—

13 (1) an analysis of special populations, including
14 prisoners with mental illness or substance abuse dis-
15 orders, female offenders, juvenile offenders, and the
16 elderly, that present unique re-entry challenges;

17 (2) studies to determine who is returning to
18 prison or jail and which of those returning prisoners
19 represent the greatest risk to community safety;

20 (3) annual reports on the profile of the popu-
21 lation coming out of prisons, jails, and juvenile jus-
22 tice facilities;

23 (4) a national recidivism study every three
24 years; and

25 (5) a study of parole violations and revocations.

1 **SEC. 6. CHILDREN OF INCARCERATED PARENTS AND FAMI-**
2 **LIES.**

3 The Secretary of Health and Human Services shall—

4 (1) review, and make available to States a re-
5 port on any recommendations regarding, the role of
6 State child protective services at the time of the ar-
7 rest of a person; and

8 (2) by regulation, establish such services as the
9 Secretary determines necessary for the preservation
10 of families that have been impacted by the incarcer-
11 ation of a family member.

12 **SEC. 7. ENCOURAGEMENT OF EMPLOYMENT OF FORMER**
13 **PRISONERS.**

14 The Secretary of Labor shall take such steps as are
15 necessary to implement a program, including but not lim-
16 ited to the Employment and Training Administration, to
17 educate employers about existing incentives, including
18 bonding, to the hiring of former Federal, State, or county
19 prisoners.

20 **SEC. 8. FEDERAL RESOURCE CENTER FOR CHILDREN OF**
21 **PRISONERS.**

22 There are authorized to be appropriated to the Na-
23 tional Institute of Corrections for each of fiscal years 2005
24 and 2006, such sums as may be necessary for the con-
25 tinuing activities of the Federal Resource Center for Chil-
26 dren of Prisoners, including review of policies and prac-

1 tices of State and Federal corrections to support parent-
2 child relationships.

3 **SEC. 9. ELIMINATION OF AGE REQUIREMENT FOR REL-**
4 **ATIVE CAREGIVER UNDER NATIONAL FAMILY**
5 **CAREGIVER SUPPORT PROGRAM.**

6 Section 372 of the National Family Caregiver Sup-
7 port Act (part E of title III of the Older Americans Act
8 of 1965; 42 U.S.C. 3030s) is amended in paragraph (3)
9 by striking “who is 60 years of age or older and—” and
10 inserting “who—”.

11 **SEC. 10. CLARIFICATION OF AUTHORITY TO PLACE PRIS-**
12 **ONER IN COMMUNITY CORRECTIONS.**

13 (a) PLACE OF IMPRISONMENT.—Section 3621 of title
14 18, United States Code, is amended—

15 (1) by redesignating subsections (c) through (e)
16 as subsections (d) through (f), respectively; and

17 (2) by inserting after subsection (b) the fol-
18 lowing new subsection (c):

19 “(c) COMMUNITY CORRECTION FACILITIES.—For
20 purposes of designations made under this section, the
21 terms “place of the prisoner’s imprisonment” and “avail-
22 able penal or correctional facility” do not include a com-
23 munity corrections center, community treatment center,
24 “halfway house,” or similar facility that does not confine
25 residents in the manner of a prison or jail.”.

1 (b) PRE-RELEASE CUSTODY.—Section 3624(c) of
2 title 18, United States Code, is amended—

3 (1) by striking “a reasonable part, not to ex-
4 ceed 6 months, of the last 10 per centum of the
5 term to be served” and inserting “a reasonable part
6 of the last 20 percent of the term to be served, not
7 to exceed 6 months”; and

8 (2) by inserting after “home confinement” the
9 following: “for the last 20 percent of the term to be
10 served, not to exceed 6 months”.

11 **SEC. 11. USE OF VIOLENT OFFENDER TRUTH-IN-SEN-**
12 **TENCING GRANT FUNDING FOR DEMONSTRA-**
13 **TION PROJECT ACTIVITIES.**

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

17 (1) in paragraph (2) by striking “and” at the
18 end;

19 (2) in paragraph (3) by striking the period at
20 the end and inserting “; and”; and

21 (3) by adding at the end the following new
22 paragraph:

23 “(4) to carry out any activity referred to in sec-
24 tion 2976(b) of the Omnibus Crime Control and
25 Safe Streets Act of 1968 (42 U.S.C. 3797w(b)).”.

1 **SEC. 12. GRANTS TO STUDY PAROLE VIOLATIONS AND REV-**
2 **OCATIONS.**

3 (a) GRANTS AUTHORIZED.—From amounts made
4 available to carry out this section, the Attorney General
5 may award grants to States to study, and to improve the
6 collection of data with respect to, individuals whose parole
7 is revoked and which such individuals represent the great-
8 est risk to community safety.

9 (b) APPLICATION.—As a condition of receiving a
10 grant under this section, a State shall—

11 (1) certify that the State has, or intends to es-
12 tablish, a program that collects comprehensive and
13 reliable data with respect to individuals described in
14 subsection (a), including data on—

15 (A) the number and type of parole viola-
16 tions that occur within the State;

17 (B) the reasons for parole revocation;

18 (C) the underlying behavior that led to the
19 revocation; and

20 (D) the term of imprisonment or other
21 penalty that is imposed for the violation; and

22 (2) provide the data described in paragraph (1)
23 to the Bureau of Justice Statistics, in a form pre-
24 scribed by the Bureau.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 \$1,000,000 for each of fiscal years 2005 and 2006.

4 **SEC. 13. IMPROVEMENT OF THE RESIDENTIAL SUBSTANCE**
5 **ABUSE TREATMENT FOR STATE PRISONERS**
6 **PROGRAM.**

7 (a) DEFINITION.—Section 1902 of the Omnibus
8 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
9 3796ff–1) is amended by redesignating subsections (c)
10 through (f) as subsections (d) through (g), respectively,
11 and by inserting after subsection (b) the following new
12 subsection:

13 “(c) RESIDENTIAL SUBSTANCE ABUSE TREAT-
14 MENT.—The term ‘residential substance abuse treatment’
15 means a course of individual and group activities and
16 treatment, lasting at least 6 months, in residential treat-
17 ment facilities set apart from the general prison popu-
18 lation. This can include the use of pharmacotherapies,
19 where appropriate, that may extend beyond the 6-month
20 period.”.

21 (b) REQUIREMENT FOR AFTER CARE COMPONENT.—
22 Section 1902 of such Act is further amended in subsection
23 (d) (as redesignated by subsection (a)) is amended—

24 (1) in the subsection heading, by striking “ELI-
25 GIBILITY FOR PREFERENCE WITH AFTER CARE

1 COMPONENT” and inserting “REQUIREMENT FOR
2 AFTER CARE COMPONENT”;

3 (2) by amending paragraph (1) to read as fol-
4 lows:

5 “(1) To be eligible for funding under this part,
6 a State must ensure that individuals who participate
7 in the substance abuse treatment program estab-
8 lished or implemented with assistance provided
9 under this part will be provided with aftercare serv-
10 ices.”; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(4) Aftercare services required by this sub-
14 section shall be funded by the funding provided in
15 this part.”.

16 **SEC. 14. RESIDENTIAL DRUG ABUSE PROGRAM IN FEDERAL**
17 **PRISONS.**

18 Section 3621(e)(5)(A) of title 18, United States
19 Code, is amended by striking “means a course of” and
20 all that follows through the semicolon at the end and in-
21 serting the following: “means a course of individual and
22 group activities and treatment, lasting at least 6 months,
23 in residential treatment facilities set apart from the gen-
24 eral prison population, which may include the use of

1 pharmacotherapies, where appropriate, that may extend
2 beyond the 6-month period;”.

3 **SEC. 15. TECHNICAL AMENDMENT TO DRUG-FREE STU-**
4 **DENT LOANS PROVISION TO ENSURE THAT IT**
5 **APPLIES ONLY TO OFFENSES COMMITTED**
6 **WHILE RECEIVING FEDERAL AID.**

7 Section 484(r)(1) of the Higher Education Act of
8 1965 (20 U.S.C. 1091(r)(1)) is amended by striking “A
9 student” and all that follows through “table:” and insert-
10 ing the following: “A student who is convicted of any of-
11 fense under any Federal or State law involving the posses-
12 sion or sale of a controlled substance for conduct that oc-
13 curred during a period of enrollment for which the student
14 was receiving any grant, loan, or work assistance under
15 this title shall not be eligible to receive any grant, loan,
16 or work assistance under this title from the date of that
17 conviction for the period of time specified in the following
18 table:”.

19 **SEC. 16. MENTORING GRANTS TO COMMUNITY-BASED OR-**
20 **GANIZATIONS.**

21 (a) **AUTHORITY TO MAKE GRANTS.**—From amounts
22 made available to carry out this section, the Secretary of
23 Labor shall make grants to community-based organiza-
24 tions for the purpose of providing mentoring and other

1 transitional services essential to reintegrating ex-offend-
2 ers.

3 (b) USE OF FUNDS.—Funds for the mentoring
4 grants may be expended for—

5 (1) mentoring of adult and juvenile offenders;
6 and

7 (2) transitional services to assist in the re-
8 integration of ex-offenders into the community.

9 (c) APPLICATION.—To apply for a grant under this
10 section, a community-based organization shall submit an
11 application to the Secretary of Labor based on criteria de-
12 veloped by the Secretary in consultation with the Attorney
13 General and the Secretary of Housing and Urban Develop-
14 ment.

15 (d) STRATEGIC PERFORMANCE OUTCOMES.—The
16 Secretary of Labor may require each applicant to identify
17 specific performance outcomes related to the long-term
18 goal of stabilizing communities by reducing recidivism and
19 re-integrating ex-offenders into society.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this section
22 \$15,000,000 for each of fiscal years 2005 and 2006.

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