(3) Peer support counseling program

The term ''peer support counseling program'' means a program provided by a first responder agency that provides counseling services from a peer support specialist to a first responder of the first responder agency.

(4) Peer support participant

The term ''peer support participant'' means a first responder who receives counseling services from a peer support specialist.

(5) Peer support specialist

The term ''peer support specialist'' means a first responder who—

(A) has received training in—

(i) peer support counseling; and

(ii) providing emotional and moral support to first responders who have been involved in or exposed to an emotionally traumatic experience in the course of the duties of those first responders; and

(B) is designated by a first responder agency to provide the services described in subparagraph (A).

(b) Report on best practices

Not later than 2 years after November 18, 2021, the Attorney General, in coordination with the Secretary of Health and Human Services, shall develop a report on best practices and professional standards for peer support counseling programs for first responder agencies that includes—

(1) advice on—

(A) establishing and operating peer support counseling programs; and

(B) training and certifying peer support specialists;

(2) a code of ethics for peer support specialists;

(3) recommendations for continuing education for peer support specialists;

(4) advice on disclosing to first responders any confidentiality rights of peer support participants; and

(5) information on—

(A) the different types of peer support counseling programs in use by first responder agencies;

(B) any differences in peer support counseling programs offered across categories of first responders; and

(C) the important role senior first responders play in supporting access to mental health resources.

(c) Implementation

The Attorney General shall support and encourage the implementation of peer support counseling programs in first responder agencies by—

(1) making the report developed under subsection (b) publicly available on the website of the Department of Justice; and

(2) providing a list of peer support specialist training programs on the website of the Department of Justice.

(Pub. L. 117–60, §3, Nov. 18, 2021, 135 Stat. 1472.)

Subtitle VI—Other Crime Control and Law Enforcement Matters

Executive Documents

EX. ORD. NO. 13776. TASK FORCE ON CRIME REDUCTION AND PUBLIC SAFETY

Ex. Ord. No. 13776, Feb. 9, 2017, 82 F.R. 10699, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to reduce crime and restore public safety to communities across the Nation, it is hereby ordered as follows:

SECTION 1. *Policy*. It shall be the policy of the executive branch to reduce crime in America. Many communities across the Nation are suffering from high rates of violent crime. A focus on law and order and the safety and security of the American people requires a commitment to enforcing the law and developing policies that comprehensively address illegal immigration, drug trafficking, and violent crime. The Department of Justice shall take the lead on Federal actions to support law enforcement efforts nationwide and to collaborate with State, tribal, and local jurisdictions to restore public safety to all of our communities.

SEC. 2. *Task Force*. (a) In furtherance of the policy described in section 1 of this order, I hereby direct the Attorney General to establish, and to appoint or designate an individual or individuals to chair, a Task Force on Crime Reduction and Public Safety (Task Force). The Attorney General shall, to the extent permitted by law, provide administrative support and funding for the Task Force.

(b) The Attorney General shall determine the characteristics of the Task Force, which shall be composed of individuals appointed or designated by him.

(c) The Task Force shall:

(i) exchange information and ideas among its members that will be useful in developing strategies to reduce crime, including, in particular, illegal immigration, drug trafficking, and violent crime;

(ii) based on that exchange of information and ideas, develop strategies to reduce crime;

(iii) identify deficiencies in existing laws that have made them less effective in reducing crime and propose new legislation that could be enacted to improve public safety and reduce crime;

(iv) evaluate the availability and adequacy of crime-related data and identify measures that could improve data collection in a manner that will aid in the understanding of crime trends and in the reduction of crime; and

(v) conduct any other studies and develop any other recommendations as directed by the Attorney General.

(d) The Task Force shall meet as required by the Attorney General and shall be dissolved once it has accomplished the objectives set forth in subsection (c) of this section, as determined by the Attorney General.

(e) The Task Force shall submit at least one report to the President within 1 year from the date of this order, and a subsequent report at least once per year thereafter while the Task Force remains in existence. The structure of the report is left to the discretion of the Attorney General. In its first report to the President and in any subsequent reports, the Task Force shall summarize its findings and recommendations under subsections (c)(ii) through (c)(v) of this section.

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

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

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

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforce-

able at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

EXECUTIVE ORDER NO. 13933

Ex. Ord. No. 13933, June 26, 2020, 85 F.R. 40081, which related to protecting against damage and vandalism of monuments, memorials, and statues, was revoked by Ex. Ord. No. 14029, § 1, May 14, 2021, 86 F.R. 27025.

CHAPTER 601—PRISONS

Sec.
60101. Findings.
60102. Definitions.
60103. Federal regulation of prisoner transport companies.
60104. Enforcement.
60105. State information regarding individuals who die in the custody of law enforcement.
60106. Incentives for States.

§ 60101. Findings

Congress finds the following:

(1) Increasingly, States are turning to private prisoner transport companies as an alternative to their own personnel or the United States Marshals Service when transporting violent prisoners.

(2) The transport process can last for days if not weeks, as violent prisoners are dropped off and picked up at a network of hubs across the country.

(3) Escapes by violent prisoners during transport by private prisoner transport companies have occurred.

(4) Oversight by the Attorney General is required to address these problems.

(5) While most governmental entities may prefer to use, and will continue to use, fully trained and sworn law enforcement officers when transporting violent prisoners, fiscal or logistical concerns may make the use of highly specialized private prisoner transport companies an option. Nothing in sections 60101 to 60104 of this title should be construed to mean that governmental entities should contract with private prisoner transport companies to move violent prisoners; however when a government entity opts to use a private prisoner transport company to move violent prisoners, then the company should be subject to regulation in order to enhance public safety.

(Pub. L. 106–560, § 2, Dec. 21, 2000, 114 Stat. 2784.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 13726 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Statutory Notes and Related Subsidiaries

SHORT TITLE

For short title of Pub. L. 106–560, which is classified to sections 60101 to 60104 of this title, as the ''Interstate Transportation of Dangerous Criminals Act of 2000'' and also as ''Jeanna's Act'', see section 1 of Pub. L. 106–560, set out as a Short Title of 2000 Act note under section 10101 of this title.

GUIDELINES FOR STATES REGARDING INFECTIOUS DISEASES IN CORRECTIONAL INSTITUTIONS

Pub. L. 105–370, § 2(c), Nov. 12, 1998, 112 Stat. 3375, provided that: ''Not later than 1 year after the date of the enactment of this Act [Nov. 12, 1998], the Attorney General, in consultation with the Secretary of Health and Human Services, shall provide to the several States proposed guidelines for the prevention, detection, and treatment of incarcerated persons and correctional employees who have, or may be exposed to, infectious diseases in correctional institutions.''

§ 60102. Definitions

In sections 60101 to 60104 of this title:

(1) Crime of violence

The term ''crime of violence'' has the same meaning as in section 924(c)(3) of title 18.

(2) Private prisoner transport company

The term ''private prisoner transport company'' means any entity, other than the United States, a State, or an inferior political subdivision of a State, which engages in the business of the transporting for compensation, individuals committed to the custody of any State or of an inferior political subdivision of a State, or any attempt thereof.

(3) Violent prisoner

The term ''violent prisoner'' means any individual in the custody of a State or an inferior political subdivision of a State who has previously been convicted of or is currently charged with a crime of violence or any similar statute of a State or the inferior political subdivisions of a State, or any attempt thereof.

(Pub. L. 106–560, § 3, Dec. 21, 2000, 114 Stat. 2784.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 13726a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 60103. Federal regulation of prisoner transport companies

(a) In general

Not later than 180 days after December 21, 2000, the Attorney General, in consultation with the American Correctional Association and the private prisoner transport industry, shall promulgate regulations relating to the transportation of violent prisoners in or affecting interstate commerce.

(b) Standards and requirements

The regulations shall include the following:

(1) Minimum standards for background checks and preemployment drug testing for potential employees, including requiring criminal background checks, to disqualify persons with a felony conviction or domestic violence conviction as defined by section 921 of title 18 for eligibility for employment. Preemployment drug testing will be in accordance with applicable State laws.

(2) Minimum standards for the length and type of training that employees must undergo before they can transport prisoners not to exceed 100 hours of preservice training focusing on the transportation of prisoners. Training shall be in the areas of use of restraints, searches, use of force, including use of appro-

priate weapons and firearms, CPR, map reading, and defensive driving.

(3) Restrictions on the number of hours that employees can be on duty during a given time period. Such restriction shall not be more stringent than current applicable rules and regulations concerning hours of service promulgated under the Federal Motor Vehicle Safety Act.[1]

(4) Minimum standards for the number of personnel that must supervise violent prisoners. Such standards shall provide the transport entity with appropriate discretion, and, absent more restrictive requirements contracted for by the procuring government entity, shall not exceed a requirement of 1 agent for every 6 violent prisoners.

(5) Minimum standards for employee uniforms and identification that require wearing of a uniform with a badge or insignia identifying the employee as a transportation officer.

(6) Standards establishing categories of violent prisoners required to wear brightly colored clothing clearly identifying them as prisoners, when appropriate.

(7) Minimum requirements for the restraints that must be used when transporting violent prisoners, to include leg shackles and double-locked handcuffs, when appropriate.

(8) A requirement that when transporting violent prisoners, private prisoner transport companies notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction.

(9) A requirement that in the event of an escape by a violent prisoner, private prisoner transport company officials shall immediately notify appropriate law enforcement officials in the jurisdiction where the escape occurs, and the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner.

(10) Minimum standards for the safety of violent prisoners in accordance with applicable Federal and State law.

(c) Federal standards

Except for the requirements of subsection (b)(6), the regulations promulgated under sections 60101 to 60104 of this title shall not provide stricter standards with respect to private prisoner transport companies than are applicable, without exception, to the United States Marshals Service, Federal Bureau of Prisons, and the Immigration and Naturalization Service when transporting violent prisoners under comparable circumstances.

(Pub. L. 106–560, § 4, Dec. 21, 2000, 114 Stat. 2785.)

Editorial Notes

REFERENCES IN TEXT

No act with the title Federal Motor Vehicle Safety Act, referred to in subsec. (b)(3), has been enacted. Provisions authorizing the Secretary of Transportation to prescribe requirements relating to hours of service of employees of a motor carrier are contained in chapter 315 (§ 31501 et seq.) of Title 49, Transportation.

[1] See References in Text note below.

CODIFICATION

Section was formerly classified to section 13726b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Statutory Notes and Related Subsidiaries

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

§ 60104. Enforcement

Any person who is found in violation of the regulations established by sections 60101 to 60104 of this title shall—

(1) be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each violation and, in addition, to the United States for the costs of prosecution; and

(2) make restitution to any entity of the United States, of a State, or of an inferior political subdivision of a State, which expends funds for the purpose of apprehending any violent prisoner who escapes from a prisoner transport company as the result, in whole or in part, of a violation of regulations promulgated pursuant to section 60103(a) of this title.

(Pub. L. 106–560, § 5, Dec. 21, 2000, 114 Stat. 2786.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 13726c of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 60105. State information regarding individuals who die in the custody of law enforcement

(a) In general

For each fiscal year after the expiration of the period specified in subsection (c)(1) in which a State receives funds for a program referred to in subsection (c)(2), the State shall report to the Attorney General, on a quarterly basis and pursuant to guidelines established by the Attorney General, information regarding the death of any person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, State-run boot camp prison, boot camp prison that is contracted out by the State, any State or local contract facility, or other local or State correctional facility (including any juvenile facility).

(b) Information required

The report required by this section shall contain information that, at a minimum, includes—

(1) the name, gender, race, ethnicity, and age of the deceased;

(2) the date, time, and location of death;

(3) the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and

(4) a brief description of the circumstances surrounding the death.

(c) Compliance and ineligibility

(1) Compliance date

Each State shall have not more than 120 days from December 18, 2014, to comply with subsection (a), except that—

(A) the Attorney General may grant an additional 120 days to a State that is making good faith efforts to comply with such subsection; and

(B) the Attorney General shall waive the requirements of subsection (a) if compliance with such subsection by a State would be unconstitutional under the constitution of such State.

(2) Ineligibility for funds

For any fiscal year after the expiration of the period specified in paragraph (1), a State that fails to comply with subsection (a), shall, at the discretion of the Attorney General, be subject to not more than a 10-percent reduction of the funds that would otherwise be allocated for that fiscal year to the State under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.),[1] whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Local Government Law Enforcement Block Grants Program, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(d) Reallocation

Amounts not allocated under a program referred to in subsection (c)(2) to a State for failure to fully comply with subsection (a) shall be reallocated under that program to States that have not failed to comply with such subsection.

(e) Definitions

In this section the terms ''boot camp prison'' and ''State'' have the meaning given those terms, respectively, in section 10251(a) of this title.

(f) Study and report of information relating to deaths in custody

(1) Study required

The Attorney General shall carry out a study of the information reported under subsection (b) and section 3(a)[1] to—

(A) determine means by which such information can be used to reduce the number of such deaths; and

(B) examine the relationship, if any, between the number of such deaths and the actions of management of such jails, prisons, and other specified facilities relating to such deaths.

(2) Report

Not later than 2 years after December 18, 2014, the Attorney General shall prepare and submit to Congress a report that contains the findings of the study required by paragraph (1).

(Pub. L. 113–242, § 2, Dec. 18, 2014, 128 Stat. 2860.)

[1] See References in Text note below.

Editorial Notes

REFERENCES IN TEXT

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (c)(2), is Pub. L. 90–351, June 19, 1968, 82 Stat. 197. Subpart 1 of part E of title I of the Act was classified generally to part A (§ 3750 et seq.) of subchapter V of chapter 46 of Title 42, The Public Health and Welfare, prior to editorial reclassification as part A (§ 10151 et seq.) of subchapter V of chapter 101 of this title. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

Section 3(a), referred to in subsec. (f)(1), is section 3(a) of Pub. L. 113–242, Dec. 18, 2014, 128 Stat. 2861. Section 3 of Pub. L. 113–242 was editorially reclassified as a note under section 4001 of Title 18, Crimes and Criminal Procedure.

CODIFICATION

Section was formerly classified to section 13727 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 60106. Incentives for States

(a) Authority to make grants

The Attorney General is authorized to make grants to States that have in effect a law that—

(1) makes it a criminal offense for any person acting under color of law of the State to knowingly engage in a sexual act with an individual who is under arrest, in detention, or otherwise in the actual custody of any law enforcement officer; and

(2) prohibits a person charged with an offense described in paragraph (1) from asserting the consent of the other individual as a defense.

(b) Reporting requirement

A State that receives a grant under this section shall submit to the Attorney General, on an annual basis, information on—

(1) the number of reports made to law enforcement agencies in that State regarding persons engaging in a sexual act while acting under color of law during the previous year; and

(2) the disposition of each case in which sexual misconduct by a person acting under color of law was reported during the previous year.

(c) Application

A State seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may reasonably require, including information about the law described in subsection (a).

(d) Grant amount

The amount of a grant to a State under this section shall be in an amount that is not greater than 10 percent of the average of the total amount of funding of the 3 most recent awards that the State received under the following grant programs:

(1) Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10441 et seq.) (commonly referred to as the ''STOP Violence Against Women Formula Grant Program'').

(2) Section 12511 of this title (commonly referred to as the ''Sexual Assault Services Program'').

(e) Grant term

(1) In general

The Attorney General shall provide an increase in the amount provided to a State under the grant programs described in subsection (d) for a 2-year period.

(2) Renewal

A State that receives a grant under this section may submit an application for a renewal of such grant at such time, in such manner, and containing such information as the Attorney General may reasonably require.

(3) Limit

A State may not receive a grant under this section for more than 4 years.

(f) Uses of funds

A State that receives a grant under this section shall use—

(1) 25 percent of such funds for any of the permissible uses of funds under the grant program described in paragraph (1) of subsection (d); and

(2) 75 percent of such funds for any of the permissible uses of funds under the grant program described in paragraph (2) of subsection (d).

(g) Authorization of appropriations

There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2023 through 2027.

(h) Definition

For purposes of this section, the term ''State'' means each of the several States and the District of Columbia, Indian Tribes, and the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

(Pub. L. 117–103, div. W, title XII, §1203, Mar. 15, 2022, 136 Stat. 925.)

Editorial Notes

REFERENCES IN TEXT

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (d)(1), is Pub. L. 90–351, June 19, 1968, 82 Stat. 197. Part T of title I of the Act is classified principally to subchapter XIX (§10441 et seq.) of chapter 101 of this title. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117–103, set out as a note under section 6851 of Title 15, Commerce and Trade.

REPORTS TO CONGRESS

Pub. L. 117–103, div. W, title XII, §1204, Mar. 15, 2022, 136 Stat. 926, provided that:

''(a) REPORT BY ATTORNEY GENERAL.—Not later than 1 year after the date of enactment of this Act [Mar. 15, 2022], and each year thereafter, the Attorney General shall submit to Congress and make publicly available on the Department of Justice website a report containing—

''(1) the information required to be reported to the Attorney General under section 1203(b) [34 U.S.C. 60106(b)]; and

''(2) information on—

''(A) the number of reports made, during the previous year, to Federal law enforcement agencies regarding persons engaging in a sexual act while acting under color of law; and

''(B) the disposition of each case in which sexual misconduct by a person acting under color of law was reported.

''(b) REPORT BY GAO.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Comptroller General of the United States shall submit to Congress a report on any violations of section 2243(c) of title 18, United States Code, as amended by section 1302, committed during the 1-year period covered by the report.

''(c) REPORT BY ATTORNEY GENERAL ON CONFLICTS BETWEEN STATE'S MARRIAGE-AGE AND AGE-BASED SEX OFFENSES.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall submit to Congress a report that examines inconsistencies between State laws on marriage-age and State laws on age-based sex offenses and, in particular, States with laws that—

''(1) provide an exception to definitions of age-based sex offenses (including statutory rape), or a defense to prosecution for such offenses, based on the marriage of the perpetrator to the victim; or

''(2) allow marriages between parties at ages, or with age differences between them, such that sexual acts between those parties outside of marriage would constitute an age-based sex offense (including statutory rape).''

[For definitions of terms used in section 1204 of div. W of Pub. L. 117–103, set out above, see section 12291 of this title, as made applicable by section 2(b) of div. W of Pub. L. 117–103, which is set out as a note under section 12291 of this title, and section 1205 of Pub. L. 117–103, set out below.]

DEFINITION

Pub. L. 117–103, div. W, title XII, §1205, Mar. 15, 2022, 136 Stat. 927, provided that: ''In this title [see Short Title of 2022 Amendment note set out under section 1 of Title 18, Crimes and Criminal Procedure], the term 'sexual act' has the meaning given the term in section 2246 of title 18, United States Code.''

For definitions of other terms used in this section, see section 12291 of this title, as made applicable by section 2(b) of div. W of Pub. L. 117–103, which is set out as a note under section 12291 of this title.

CHAPTER 603—IMPROVING THE QUALITY OF REPRESENTATION IN STATE CAPITAL CASES

Sec.
60301. Capital representation improvement grants.
60302. Capital prosecution improvement grants.
60303. Applications.
60304. State reports.
60305. Evaluations by Inspector General and administrative remedies.
60306. Authorization of appropriations.

§ 60301. Capital representation improvement grants

(a) In general

The Attorney General shall award grants to States for the purpose of improving the quality of legal representation provided to indigent defendants in State capital cases.

(b) Defined term

In this section, the term ''legal representation'' means legal counsel and investigative, expert, and other services necessary for competent representation.

(c) Use of funds

Grants awarded under subsection (a)—

(1) shall be used to establish, implement, or improve an effective system for providing competent legal representation to—

(A) indigents charged with an offense subject to capital punishment;

(B) indigents who have been sentenced to death and who seek appellate or collateral relief in State court; and

(C) indigents who have been sentenced to death and who seek review in the Supreme Court of the United States; and

(2) shall not be used to fund, directly or indirectly, representation in specific capital cases.

(d) Apportionment of funds

(1) In general

Of the funds awarded under subsection (a)—

(A) not less than 75 percent shall be used to carry out the purpose described in subsection (c)(1)(A); and

(B) not more than 25 percent shall be used to carry out the purpose described in subsection (c)(1)(B).

(2) Waiver

The Attorney General may waive the requirement under this subsection for good cause shown.

(e) Effective system

As used in subsection (c)(1), an effective system for providing competent legal representation is a system that—

(1) invests the responsibility for appointing qualified attorneys to represent indigents in capital cases—

(A) in a public defender program that relies on staff attorneys, members of the private bar, or both, to provide representation in capital cases;

(B) in an entity established by statute or by the highest State court with jurisdiction in criminal cases, which is composed of individuals with demonstrated knowledge and expertise in capital cases, except for individuals currently employed as prosecutors; or

(C) pursuant to a statutory procedure enacted before October 30, 2004, under which the trial judge is required to appoint qualified attorneys from a roster maintained by a State or regional selection committee or similar entity; and

(2) requires the program described in paragraph (1)(A), the entity described in paragraph (1)(B), or an appropriate entity designated pursuant to the statutory procedure described in paragraph (1)(C), as applicable, to—

(A) establish qualifications for attorneys who may be appointed to represent indigents in capital cases;

(B) establish and maintain a roster of qualified attorneys;

(C) except in the case of a selection committee or similar entity described in paragraph (1)(C), assign 2 attorneys from the roster to represent an indigent in a capital case, or provide the trial judge a list of not more than 2 pairs of attorneys from the roster, from which 1 pair shall be assigned, provided that, in any case in which the State elects not to seek the death penalty, a court may find, subject to any requirement of State law, that a second attorney need not remain assigned to represent the indigent to ensure competent representation;

(D) conduct, sponsor, or approve specialized training programs for attorneys representing defendants in capital cases;

(E)(i) monitor the performance of attorneys who are appointed and their attendance at training programs; and

(ii) remove from the roster attorneys who—

(I) fail to deliver effective representation or engage in unethical conduct;

(II) fail to comply with such requirements as such program, entity, or selection committee or similar entity may establish regarding participation in training programs; or

(III) during the past 5 years, have been sanctioned by a bar association or court for ethical misconduct relating to the attorney's conduct as defense counsel in a criminal case in Federal or State court; and

(F) ensure funding for the cost of competent legal representation by the defense team and outside experts selected by counsel, who shall be compensated—

(i) in the case of a State that employs a statutory procedure described in paragraph (1)(C), in accordance with the requirements of that statutory procedure; and

(ii) in all other cases, as follows:

(I) Attorneys employed by a public defender program shall be compensated according to a salary scale that is commensurate with the salary scale of the prosecutor's office in the jurisdiction.

(II) Appointed attorneys shall be compensated for actual time and service, computed on an hourly basis and at a reasonable hourly rate in light of the qualifications and experience of the attorney and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases.

(III) Non-attorney members of the defense team, including investigators, mitigation specialists, and experts, shall be compensated at a rate that reflects the specialized skills needed by those who assist counsel with the litigation of death penalty cases.

(IV) Attorney and non-attorney members of the defense team shall be reimbursed for reasonable incidental expenses.

(Pub. L. 108–405, title IV, § 421, Oct. 30, 2004, 118 Stat. 2286.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14163 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 60302. Capital prosecution improvement grants

(a) In general

The Attorney General shall award grants to States for the purpose of enhancing the ability of prosecutors to effectively represent the public in State capital cases.

(b) Use of funds

(1) Permitted uses

Grants awarded under subsection (a) shall be used for one or more of the following:

(A) To design and implement training programs for State and local prosecutors to ensure effective representation in State capital cases.

(B) To develop and implement appropriate standards and qualifications for State and local prosecutors who litigate State capital cases.

(C) To assess the performance of State and local prosecutors who litigate State capital cases, provided that such assessment shall not include participation by the assessor in the trial of any specific capital case.

(D) To identify and implement any potential legal reforms that may be appropriate to minimize the potential for error in the trial of capital cases.

(E) To establish a program under which State and local prosecutors conduct a systematic review of cases in which a death sentence was imposed in order to identify cases in which post-conviction DNA testing may be appropriate.

(F) To provide support and assistance to the families of murder victims.

(2) Prohibited use

Grants awarded under subsection (a) shall not be used to fund, directly or indirectly, the prosecution of specific capital cases.

(Pub. L. 108–405, title IV, § 422, Oct. 30, 2004, 118 Stat. 2288.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14163a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 60303. Applications

(a) In general

The Attorney General shall establish a process through which a State may apply for a grant under this chapter.

(b) Application

(1) In general

A State desiring a grant under this chapter shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may reasonably require.

(2) Contents

Each application submitted under paragraph (1) shall contain—

(A) a certification by an appropriate officer of the State that the State authorizes capital punishment under its laws and conducts, or will conduct, prosecutions in which capital punishment is sought;

(B) a description of the communities to be served by the grant, including the nature of existing capital defender services and capital prosecution programs within such communities;

(C) a long-term statewide strategy and detailed implementation plan that—

(i) reflects consultation with the judiciary, the organized bar, and State and local prosecutor and defender organizations; and

(ii) establishes as a priority improvement in the quality of trial-level representation of indigents charged with capital crimes and trial-level prosecution of capital crimes;

(D) in the case of a State that employs a statutory procedure described in section 60301(e)(1)(C) of this title, a certification by an appropriate officer of the State that the State is in substantial compliance with the requirements of the applicable State statute; and

(E) assurances that Federal funds received under this chapter shall be—

(i) used to supplement and not supplant non-Federal funds that would otherwise be available for activities funded under this chapter; and

(ii) allocated in accordance with section 60306(b) of this title.

(Pub. L. 108–405, title IV, § 423, Oct. 30, 2004, 118 Stat. 2288.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14163b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 60304. State reports

(a) In general

Each State receiving funds under this chapter shall submit an annual report to the Attorney General that—

(1) identifies the activities carried out with such funds; and

(2) explains how each activity complies with the terms and conditions of the grant.

(b) Capital representation improvement grants

With respect to the funds provided under section 60301 of this title, a report under subsection (a) shall include—

(1) an accounting of all amounts expended;

(2) an explanation of the means by which the State—

(A) invests the responsibility for identifying and appointing qualified attorneys to represent indigents in capital cases in a program described in section 60301(e)(1)(A) of this title, an entity described in section 60301(e)(1)(B) of this title, or a selection committee or similar entity described in section 60301(e)(1)(C) of this title; and

(B) requires such program, entity, or selection committee or similar entity, or other

appropriate entity designated pursuant to the statutory procedure described in section 60301(e)(1)(C) of this title, to—

(i) establish qualifications for attorneys who may be appointed to represent indigents in capital cases in accordance with section 60301(e)(2)(A) of this title;

(ii) establish and maintain a roster of qualified attorneys in accordance with section 60301(e)(2)(B) of this title;

(iii) assign attorneys from the roster in accordance with section 60301(e)(2)(C) of this title;

(iv) conduct, sponsor, or approve specialized training programs for attorneys representing defendants in capital cases in accordance with section 60301(e)(2)(D) of this title;

(v) monitor the performance and training program attendance of appointed attorneys, and remove from the roster attorneys who fail to deliver effective representation or fail to comply with such requirements as such program, entity, or selection committee or similar entity may establish regarding participation in training programs, in accordance with section 60301(e)(2)(E) of this title; and

(vi) ensure funding for the cost of competent legal representation by the defense team and outside experts selected by counsel, in accordance with section 60301(e)(2)(F) of this title, including a statement setting forth—

(I) if the State employs a public defender program under section 60301(e)(1)(A) of this title, the salaries received by the attorneys employed by such program and the salaries received by attorneys in the prosecutor's office in the jurisdiction;

(II) if the State employs appointed attorneys under section 60301(e)(1)(B) of this title, the hourly fees received by such attorneys for actual time and service and the basis on which the hourly rate was calculated;

(III) the amounts paid to non-attorney members of the defense team, and the basis on which such amounts were determined; and

(IV) the amounts for which attorney and non-attorney members of the defense team were reimbursed for reasonable incidental expenses;

(3) in the case of a State that employs a statutory procedure described in section 60301(e)(1)(C) of this title, an assessment of the extent to which the State is in compliance with the requirements of the applicable State statute; and

(4) a statement confirming that the funds have not been used to fund representation in specific capital cases or to supplant non-Federal funds.

(c) Capital prosecution improvement grants

With respect to the funds provided under section 60302 of this title, a report under subsection (a) shall include—

(1) an accounting of all amounts expended;

(2) a description of the means by which the State has—

(A) designed and established training programs for State and local prosecutors to ensure effective representation in State capital cases in accordance with section 60302(b)(1)(A) of this title;

(B) developed and implemented appropriate standards and qualifications for State and local prosecutors who litigate State capital cases in accordance with section 60302(b)(1)(B) of this title;

(C) assessed the performance of State and local prosecutors who litigate State capital cases in accordance with section 60302(b)(1)(C) of this title;

(D) identified and implemented any potential legal reforms that may be appropriate to minimize the potential for error in the trial of capital cases in accordance with section 60302(b)(1)(D) of this title;

(E) established a program under which State and local prosecutors conduct a systematic review of cases in which a death sentence was imposed in order to identify cases in which post-conviction DNA testing may be appropriate in accordance with section 60302(b)(1)(E) of this title; and

(F) provided support and assistance to the families of murder victims; and

(3) a statement confirming that the funds have not been used to fund the prosecution of specific capital cases or to supplant non-Federal funds.

(d) Public disclosure of annual State reports

The annual reports to the Attorney General submitted by any State under this section shall be made available to the public.

(Pub. L. 108–405, title IV, § 424, Oct. 30, 2004, 118 Stat. 2289.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14163c of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 60305. Evaluations by Inspector General and administrative remedies

(a) Evaluation by Inspector General

(1) In general

As soon as practicable after the end of the first fiscal year for which a State receives funds under a grant made under this chapter, the Inspector General of the Department of Justice (in this section referred to as the ''Inspector General'') shall—

(A) submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report evaluating the compliance by the State with the terms and conditions of the grant; and

(B) if the Inspector General concludes that the State is not in compliance with the terms and conditions of the grant, specify any deficiencies and make recommendations to the Attorney General for corrective action.

(2) Priority

In conducting evaluations under this subsection, the Inspector General shall give priority to States that the Inspector General determines, based on information submitted by the State and other comments provided by any other person, to be at the highest risk of noncompliance.

(3) Determination for statutory procedure States

For each State that employs a statutory procedure described in section 60301(e)(1)(C) of this title, the Inspector General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, not later than the end of the first fiscal year for which such State receives funds, a determination as to whether the State is in substantial compliance with the requirements of the applicable State statute.

(4) Comments from public

The Inspector General shall receive and consider comments from any member of the public regarding any State's compliance with the terms and conditions of a grant made under this chapter. To facilitate the receipt of such comments, the Inspector General shall maintain on its website a form that any member of the public may submit, either electronically or otherwise, providing comments. The Inspector General shall give appropriate consideration to all such public comments in reviewing reports submitted under section 60304 of this title or in establishing the priority for conducting evaluations under this section.

(b) Administrative review

(1) Comment

Upon the submission of a report under subsection (a)(1) or a determination under subsection (a)(3), the Attorney General shall provide the State with an opportunity to comment regarding the findings and conclusions of the report or the determination.

(2) Corrective action plan

If the Attorney General, after reviewing a report under subsection (a)(1) or a determination under subsection (a)(3), determines that a State is not in compliance with the terms and conditions of the grant, the Attorney General shall consult with the appropriate State authorities to enter into a plan for corrective action. If the State does not agree to a plan for corrective action that has been approved by the Attorney General within 90 days after the submission of the report under subsection (a)(1) or the determination under subsection (a)(3), the Attorney General shall, within 30 days, issue guidance to the State regarding corrective action to bring the State into compliance.

(3) Report to Congress

Not later than 90 days after the earlier of the implementation of a corrective action plan or the issuance of guidance under paragraph (2), the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate as to whether the State has taken corrective action and is in compliance with the terms and conditions of the grant.

(c) Penalties for noncompliance

If the State fails to take the prescribed corrective action under subsection (b) and is not in compliance with the terms and conditions of the grant, the Attorney General shall discontinue all further funding under sections 60301 and 60302 of this title and require the State to return the funds granted under such sections for that fiscal year. Nothing in this paragraph shall prevent a State which has been subject to penalties for noncompliance from reapplying for a grant under this chapter in another fiscal year.

(d) Periodic reports

During the grant period, the Inspector General shall periodically review the compliance of each State with the terms and conditions of the grant.

(e) Administrative costs

Not less than 2.5 percent of the funds appropriated to carry out this chapter for each of fiscal years 2005 through 2009 shall be made available to the Inspector General for purposes of carrying out this section. Such sums shall remain available until expended.

(f) Special rule for "statutory procedure" States not in substantial compliance with statutory procedures

(1) In general

In the case of a State that employs a statutory procedure described in section 60301(e)(1)(C) of this title, if the Inspector General submits a determination under subsection (a)(3) that the State is not in substantial compliance with the requirements of the applicable State statute, then for the period beginning with the date on which that determination was submitted and ending on the date on which the Inspector General determines that the State is in substantial compliance with the requirements of that statute, the funds awarded under this chapter shall be allocated solely for the uses described in section 60301 of this title.

(2) Rule of construction

The requirements of this subsection apply in addition to, and not instead of, the other requirements of this section.

(Pub. L. 108–405, title IV, § 425, Oct. 30, 2004, 118 Stat. 2291.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14163d of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 60306. Authorization of appropriations

(a) Authorization for grants

There are authorized to be appropriated[1]

[1] So in original. Probably should be followed by a dash.

(1) $2,500,000 for fiscal year 2017;
(2) $7,500,000 for fiscal year 2018;
(3) $12,500,000 for fiscal year 2019;
(4) $17,500,000 for fiscal year 2020; and
(5) $22,500,000 for fiscal year 2021.[2]

to carry out this chapter.

(b) Restriction on use of funds to ensure equal allocation

Each State receiving a grant under this chapter shall allocate the funds equally between the uses described in section 60301 of this title and the uses described in section 60302 of this title, except as provided in section 60305(f) of this title, or upon a showing of good cause, and at the discretion of the Attorney General, the State may determine a fair allocation of funds across the uses described in sections 60301 and 60302 of this title.

(Pub. L. 108–405, title IV, §426, Oct. 30, 2004, 118 Stat. 2292; Pub. L. 114–324, §10, Dec. 16, 2016, 130 Stat. 1956.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14163e of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

AMENDMENTS

2016—Subsec. (a). Pub. L. 114–324, §10(1), which directed substitution of pars. (1) to (5) for ''$75,000,000 for each of fiscal years 2005 through 2009'', was executed by making the substitution and setting out the remaining phrase ''to carry out this part.'', which was not directed to be struck out, as concluding provisions.

Subsec. (b). Pub. L. 114–324, §10(2), inserted before period at end '', or upon a showing of good cause, and at the discretion of the Attorney General, the State may determine a fair allocation of funds across the uses described in sections 14163 and 14163a of this title''.

CHAPTER 605—RECIDIVISM PREVENTION

Sec.
60501. Purposes; findings.
60502. Definitions.
60503. Submission of reports to Congress.
60504. Rule of construction.
60505. Audit and accountability of grantees.
60506. Federal interagency reentry coordination.

SUBCHAPTER I—NEW AND INNOVATIVE PROGRAMS TO IMPROVE OFFENDER REENTRY SERVICES

60511. Careers training demonstration grants.

SUBCHAPTER II—ENHANCED DRUG TREATMENT AND MENTORING GRANT PROGRAMS

PART A—DRUG TREATMENT

60521. Offender reentry substance abuse and criminal justice collaboration program.

PART B—MENTORING

60531. Community-based mentoring and transitional service grants to nonprofit organizations.
60532. Repealed.
60533. Bureau of Prisons policy on mentoring contacts.
60534. Bureau of Prisons policy on chapel library materials.

PART C—ADMINISTRATION OF JUSTICE REFORMS

SUBPART 1—IMPROVING FEDERAL OFFENDER REENTRY

60541. Federal prisoner reentry initiative.

SUBPART 2—REENTRY RESEARCH

60551. Offender reentry research.
60552. Grants to study parole or post-incarceration supervision violations and revocations.
60553. Addressing the needs of children of incarcerated parents.
60554. Repealed.
60555. Authorization of appropriations for research.

§ 60501. Purposes; findings

(a) Purposes

The purposes of the Act are—

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

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

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

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

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

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

(b) Findings

Congress finds the following:

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

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

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

[2] So in original.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Editorial Notes

REFERENCES IN TEXT

The Act and this Act, referred to in subsecs. (a) and (b)(5), respectively, are Pub. L. 110–199, Apr. 9, 2008, 122 Stat. 657, known as the Second Chance Act of 2007: Community Safety Through Recidivism Prevention and also as the Second Chance Act of 2007. For complete classification of this Act to the Code, see Short Title of 2008 Act note set out under section 10101 of this title and Tables.

CODIFICATION

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

Statutory Notes and Related Subsidiaries

EVALUATION OF THE SECOND CHANCE ACT PROGRAM

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

''(a) EVALUATION OF THE SECOND CHANCE ACT GRANT PROGRAM.—Not later than 5 years after the date of en-

actment of this Act [Dec. 21, 2018], the National Institute of Justice shall evaluate the effectiveness of grants used by the Department of Justice to support offender reentry and recidivism reduction programs at the State, local, Tribal, and Federal levels. The National Institute of Justice shall evaluate the following:

''(1) The effectiveness of such programs in relation to their cost, including the extent to which the programs improve reentry outcomes, including employment, education, housing, reductions in recidivism, of participants in comparison to comparably situated individuals who did not participate in such programs and activities.

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

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

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

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

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

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

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

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

''(d) METRICS AND OUTCOMES FOR EVALUATION.—

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

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

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

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

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

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

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

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

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

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

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

Executive Documents

PROMOTING REHABILITATION AND REINTEGRATION OF FORMERLY INCARCERATED INDIVIDUALS

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

§ 60502. Definitions

In this Act—

(1) the term ''exoneree'' means an individual who—

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

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

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

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

(3) the term ''offender'' includes an exoneree; and

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

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

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

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

(D) combines time-limited employment with activities that promote skill development, remove barriers to employment, and

lead to unsubsidized employment such as a thorough orientation and individual assessment, job readiness and life skills training, case management and supportive services, adult education and training, child support-related services, job retention support and incentives, and other similar activities;

(E) places participants into unsubsidized employment; and

(F) provides job retention, re-employment services, and continuing and vocational education to ensure continuing participation in unsubsidized employment and identification of opportunities for advancement.

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

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 110–199, Apr. 9, 2008, 122 Stat. 657, known as the Second Chance Act of 2007: Community Safety Through Recidivism Prevention and also as the Second Chance Act of 2007. For complete classification of this Act to the Code, see Short Title of 2008 Act note set out under section 10101 of this title and Tables.

CODIFICATION

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

AMENDMENTS

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

§ 60503. Submission of reports to Congress

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

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

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 110–199, Apr. 9, 2008, 122 Stat. 657, known as the Second Chance Act of 2007: Community Safety Through Recidivism Prevention and also as the Second Chance Act of 2007. For complete classification of this Act to the Code, see Short Title of 2008 Act note set out under section 10101 of this title and Tables.

CODIFICATION

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

§ 60504. Rule of construction

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

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

(2) require that services for participants, when necessary and appropriate, be transferred from programs funded under this Act or the amendment made by this Act, respectively, to State and community-based programs not funded under this Act or the amendment made by this Act, respectively, before the expiration of the grant.

(Pub. L. 110–199, § 6, Apr. 9, 2008, 122 Stat. 660; Pub. L. 115–391, title V, § 502(h), Dec. 21, 2018, 132 Stat. 5231.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 110–199, Apr. 9, 2008, 122 Stat. 657, known as the Second Chance Act of 2007: Community Safety Through Recidivism Prevention and also as the Second Chance Act of 2007. For complete classification of this Act to the Code, see Short Title of 2008 Act note set out under section 10101 of this title and Tables.

Section 113, referred to in par. (1), means section 113 of Pub. L. 110–199. For complete classification of section 113 of Pub. L. 110–199 to the Code, see Tables.

Section 60532 of this title, referred to in par. (1), was repealed by Pub. L. 115–391, title V, § 504(a), Dec. 21, 2018, 132 Stat. 5233.

CODIFICATION

Section was formerly classified to section 17504 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Par. (1). Pub. L. 115–391 inserted ''or under section 10631 of this title'' after ''section 60532 of this title''.

§ 60505. Audit and accountability of grantees

(a) Definitions

In this section—

(1) the term ''covered grant program'' means grants awarded under section 60511, 60521, or 60531 of this title, as amended by this title;[1]

(2) the term ''covered grantee'' means a recipient of a grant from a covered grant program;

(3) the term ''nonprofit'', when used with respect to an organization, means an organization that is described in section 501(c)(3) of title 26, and is exempt from taxation under section 501(a) of such title; and

(4) the term ''unresolved audit finding'' means an audit report finding in a final audit report of the Inspector General of the Department of Justice that a covered grantee has used grant funds awarded to that grantee under a covered grant program for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved during a 12-

[1] So in original. Probably should be ''as a competitive grant''.
[2] See References in Text note below.
[1] See References in Text note below.

month period prior to the date on which the final audit report is issued.

(b) Audit requirement

Beginning in fiscal year 2019, and annually thereafter, the Inspector General of the Department of Justice shall conduct audits of covered grantees to prevent waste, fraud, and abuse of funds awarded under covered grant programs. The Inspector General shall determine the appropriate number of covered grantees to be audited each year.

(c) Mandatory exclusion

A grantee that is found to have an unresolved audit finding under an audit conducted under subsection (b) may not receive grant funds under a covered grant program in the fiscal year following the fiscal year to which the finding relates.

(d) Reimbursement

If a covered grantee is awarded funds under the covered grant program from which it received a grant award during the 1-fiscal-year period during which the covered grantee is ineligible for an allocation of grant funds under subsection (c), the Attorney General shall—

(1) deposit into the General Fund of the Treasury an amount that is equal to the amount of the grant funds that were improperly awarded to the covered grantee; and

(2) seek to recoup the costs of the repayment to the Fund from the covered grantee that was improperly awarded the grant funds.

(e) Priority of grant awards

The Attorney General, in awarding grants under a covered grant program shall give priority to eligible entities that during the 2-year period preceding the application for a grant have not been found to have an unresolved audit finding.

(f) Nonprofit requirements

(1) Prohibition

A nonprofit organization that holds money in offshore accounts for the purpose of avoiding the tax described in section 511(a) of title 26, shall not be eligible to receive, directly or indirectly, any funds from a covered grant program.

(2) Disclosure

Each nonprofit organization that is a covered grantee shall disclose in its application for such a grant, as a condition of receipt of such a grant, the compensation of its officers, directors, and trustees. Such disclosure shall include a description of the criteria relied on to determine such compensation.

(g) Prohibition on lobbying activity

(1) In general

Amounts made available under a covered grant program may not be used by any covered grantee to—

(A) lobby any representative of the Department of Justice regarding the award of grant funding; or

(B) lobby any representative of the Federal Government or a State, local, or tribal government regarding the award of grant funding.

(2) Penalty

If the Attorney General determines that a covered grantee has violated paragraph (1), the Attorney General shall—

(A) require the covered grantee to repay the grant in full; and

(B) prohibit the covered grantee from receiving a grant under the covered grant program from which it received a grant award during at least the 5-year period beginning on the date of such violation.

(Pub. L. 115–391, title V, §503, Dec. 21, 2018, 132 Stat. 5232.)

Editorial Notes

REFERENCES IN TEXT

As amended by this title, referred to in subsec. (a)(1), means as amended by title V of Pub. L. 115–391.

§60506. Federal interagency reentry coordination

(a) Reentry coordination

The Attorney General, in consultation with the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Secretary of Agriculture, and the heads of such other agencies of the Federal Government as the Attorney General considers appropriate, and in collaboration with interested persons, service providers, nonprofit organizations, and State, tribal, and local governments, shall coordinate on Federal programs, policies, and activities relating to the reentry of individuals returning from incarceration to the community, with an emphasis on evidence-based practices and protection against duplication of services.

(b) Report

Not later than 2 years after December 21, 2018, the Attorney General, in consultation with the Secretaries listed in subsection (a), shall submit to Congress a report summarizing the achievements under subsection (a), and including recommendations for Congress that would further reduce barriers to successful reentry.

(Pub. L. 115–391, title V, §505, Dec. 21, 2018, 132 Stat. 5234.)

SUBCHAPTER I—NEW AND INNOVATIVE PROGRAMS TO IMPROVE OFFENDER REENTRY SERVICES

§60511. 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, nonprofit organizations, and Indian Tribes to provide career training, including subsidized employment, when part of a training program, to prisoners and reentering youth and adults.

(b) Use of funds

Grants awarded under subsection (a) may be used for establishing a program to train prisoners for jobs and careers during the 3-year pe-

riod before release from prison, jail, or a juvenile facility, as well as upon transition and reentry into the community.

(c) Priority consideration

Priority consideration shall be given to any application under this section that—

(1) provides assessment of local demand for employees in the geographic areas to which offenders are likely to return;

(2) conducts individualized reentry career planning upon the start of incarceration or post-release employment planning for each offender served under the grant;

(3) demonstrates connections to employers within the local community; or

(4) tracks and monitors employment outcomes.

(d) Control of Internet access

An entity that receives a grant under subsection (a) shall restrict access to the Internet by prisoners, as appropriate, to ensure public safety.

(e) Reports

Not later than the last day of each fiscal year, an entity that receives a grant under subsection (a) during the preceding fiscal year shall submit to the Attorney General a report that describes and assesses the uses of such grant during the preceding fiscal year.

(f) Authorization of appropriations

There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2019, 2020, 2021, 2022, and 2023.

(Pub. L. 110–199, title I, § 115, Apr. 9, 2008, 122 Stat. 677; Pub. L. 115–391, title V, § 502(d), Dec. 21, 2018, 132 Stat. 5229.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 17511 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Pub. L. 115–391, § 502(d)(1), substituted ''Careers'' for ''Technology careers'' in section catchline.

Subsec. (a). Pub. L. 115–391, § 502(d)(2), substituted ''nonprofit organizations, and Indian Tribes to provide career training, including subsidized employment, when part of a training program, to prisoners and reentering youth and adults'' for ''and Indian Tribes to provide technology career training to prisoners''.

Subsec. (b). Pub. L. 115–391, § 502(d)(3), struck out ''technology careers training'' before ''program'' and ''technology-based'' before ''jobs'' and inserted '', as well as upon transition and reentry into the community'' after ''facility''.

Subsec. (c). Pub. L. 115–391, § 502(d)(6), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 115–391, § 502(d)(5), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 115–391, § 502(d)(4), (5), redesignated subsec. (d) as (e) and struck out former subsec. (e). Prior to amendment, text of subsec. (e) read as follows: ''There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2009 and 2010.''

Subsec. (f). Pub. L. 115–391, § 502(d)(7), added subsec. (f).

SUBCHAPTER II—ENHANCED DRUG TREATMENT AND MENTORING GRANT PROGRAMS

PART A—DRUG TREATMENT

§ 60521. Offender reentry substance abuse and criminal justice collaboration program

(a) Grant program authorized

The Attorney General may make competitive grants to States, units of local government, territories, and Indian Tribes, in accordance with this section, for the purposes of—

(1) improving the provision of drug treatment to offenders in prisons, jails, and juvenile facilities; and

(2) reducing the use of alcohol and other drugs by long-term substance abusers during the period in which each such long-term substance abuser is in prison, jail, or a juvenile facility, and through the completion of parole or court supervision of such long-term substance abuser.

(b) Use of grant funds

A grant made under subsection (a) may be used—

(1) for continuing and improving drug treatment programs provided at a prison, jail, or juvenile facility;

(2) to develop and implement programs for supervised long-term substance abusers that include alcohol and drug abuse assessments, coordinated and continuous delivery of drug treatment, and case management services;

(3) to strengthen rehabilitation efforts for offenders by providing addiction recovery support services; and

(4) to establish pharmacological drug treatment services as part of any drug treatment program offered by a grantee to offenders who are in a prison or jail.

(c) Application

(1) In general

An entity described in subsection (a) desiring a grant under that subsection shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General requires.

(2) Contents

An application for a grant under subsection (a) shall—

(A) identify any agency, organization, or researcher that will be involved in administering a drug treatment program carried out with a grant under subsection (a);

(B) certify that such drug treatment program has been developed in consultation with the Single State Authority for Substance Abuse;

(C) certify that such drug treatment program shall—

(i) be clinically-appropriate; and

(ii) provide comprehensive treatment;

(D) describe how evidence-based strategies have been incorporated into such drug treatment program; and

(E) describe how data will be collected and analyzed to determine the effectiveness of

such drug treatment program and describe how randomized trials will be used where practicable.

(d) Reports to Congress

(1) Interim report

Not later than September 30, 2009, the Attorney General shall submit to Congress a report that identifies the best practices relating to—

(A) substance abuse treatment in prisons, jails, and juvenile facilities; and

(B) the comprehensive and coordinated treatment of long-term substance abusers, including the best practices identified through the activities funded under subsection (b)(3).

(2) Final report

Not later than September 30, 2010, the Attorney General shall submit to Congress a report on the drug treatment programs funded under this section, including on the matters specified in paragraph (1).

(e) Definition of 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.

(f) Authorization of appropriations

(1) In general

There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2019 through 2023.

(2) Equitable distribution of grant amounts

Of the amount made available to carry out this section in any fiscal year, the Attorney General shall ensure that grants awarded under this section are equitably distributed among geographical regions and between urban and rural populations, including Indian Tribes, consistent with the objective of reducing recidivism among criminal offenders.

(Pub. L. 110–199, title II, §201, Apr. 9, 2008, 122 Stat. 678; Pub. L. 115–391, title V, §502(e), Dec. 21, 2018, 132 Stat. 5230.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 17521 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Subsec. (f)(1). Pub. L. 115–391 amended par. (1) generally. Prior to amendment, text read as follows: ''There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2009 and 2010.''

PART B—MENTORING

§ 60531. Community-based mentoring and transitional service 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 and Indian Tribes for the purpose of providing 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, including—

(A) educational, literacy, and vocational, services and the Transitional Jobs strategy;

(B) substance abuse treatment and services;

(C) coordinated supervision and services for offenders, including physical health care and comprehensive housing and mental health care;

(D) family services; and

(E) validated assessment tools to assess the risk factors of returning inmates; 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 or Indian Tribe 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 60551(b)(6) of this title), and reintegrating offenders into the community.

(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 2019 through 2023.

(Pub. L. 110–199, title II, § 211, Apr. 9, 2008, 122 Stat. 679; Pub. L. 114–255, div. B, title XIV, § 14009(b), Dec. 13, 2016, 130 Stat. 1297; Pub. L. 115–391, title V, § 502(f)(1), Dec. 21, 2018, 132 Stat. 5230.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 17531 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Pub. L. 115–391, § 502(f)(1)(A), substituted ''Community-based mentoring and transitional service grants to nonprofit organizations'' for ''Mentoring grants to nonprofit organizations'' in section catchline.

Subsec. (a). Pub. L. 115–391, § 502(f)(1)(B), struck out ''mentoring and other'' before ''transitional services''.

Subsec. (b)(2). Pub. L. 115–391, § 502(f)(1)(C), added par. (2) and struck out former par. (2) which read as follows: ''transitional services to assist in the reintegration of offenders into the community, including mental health care; and''.

Subsec. (f). Pub. L. 115–391, § 502(f)(1)(D), substituted ''this section $15,000,000 for each of fiscal years 2019 through 2023.'' for ''this section $15,000,000 for each of fiscal years 2009 and 2010.''

2016—Subsec. (b)(2). Pub. L. 114–255 inserted '', including mental health care'' after ''community''.

§ 60532. Repealed. Pub. L. 115–391, title V, § 504(a), Dec. 21, 2018, 132 Stat. 5233

Section, Pub. L. 110–199, title II, § 212, Apr. 9, 2008, 122 Stat. 680; Pub. L. 113–128, title V, § 512(bb)(1), July 22, 2014, 128 Stat. 1717, related to responsible reintegration of offenders.

Section was formerly classified to section 17532 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 60533. Bureau of Prisons policy on mentoring contacts

(a) In general

Not later than 90 days after April 9, 2008, 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 released offender, incarcerated offenders, persons who provide such services, or any other person.

(b) Report

Not later than September 30, 2009, 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.

(Pub. L. 110–199, title II, § 213, Apr. 9, 2008, 122 Stat. 683.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 17533 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 60534. Bureau of Prisons policy on chapel library materials

(a) In general

Not later than 30 days after April 9, 2008, the Director of the Bureau of Prisons shall discontinue the Standardized Chapel Library project, or any other project by whatever designation that seeks to compile, list, or otherwise restrict prisoners' access to reading materials, audiotapes, videotapes, or any other materials made available in a chapel library, except that the Bureau of Prisons may restrict access to—

(1) any materials in a chapel library that seek to incite, promote, or otherwise suggest the commission of violence or criminal activity; and

(2) any other materials prohibited by any other law or regulation.

(b) Rule of construction

Nothing in this section shall be construed to impact policies of the Bureau of Prisons related to access by specific prisoners to materials for security, safety, sanitation, or disciplinary reasons.

(Pub. L. 110–199, title II, § 214, Apr. 9, 2008, 122 Stat. 683.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 17534 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PART C—ADMINISTRATION OF JUSTICE REFORMS

SUBPART 1—IMPROVING FEDERAL OFFENDER REENTRY

§ 60541. Federal prisoner reentry initiative

(a) In general

The Attorney General, in coordination with the Director of the Bureau of Prisons, shall, subject to the availability of appropriations, conduct the following activities to establish a Federal prisoner reentry initiative:

(1) The establishment of a Federal prisoner reentry strategy to help prepare prisoners for release and successful reintegration into the community, including, at a minimum, that the Bureau of Prisons—

(A) 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;

(B) generate a skills development plan for each prisoner to monitor skills enhancement and reentry readiness throughout incarceration;

(C) determine program assignments for prisoners based on the areas of need identified through the assessment described in subparagraph (A);

(D) 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;

(E) coordinate and collaborate with other Federal agencies and with State, Tribal, and local criminal justice agencies, community-based organizations, and faith-based organizations to help effectuate a seamless reintegration of prisoners into communities;

(F) 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

(G) provide incentives for prisoner participation in skills development programs.

(2) Incentives for a prisoner who participates in reentry and skills development programs which may, at the discretion of the Director, include—

(A) the maximum allowable period in a community confinement facility; and

(B) such other incentives as the Director considers appropriate (not including a reduction of the term of imprisonment).

(b) Identification and release assistance for Federal prisoners

(1) Obtaining identification

The Director shall assist prisoners in obtaining identification prior to release from a term of imprisonment in a Federal prison or if the individual was not sentenced to a term of imprisonment in a Federal prison, prior to release from a sentence to a term in community confinement, including a social security card, driver's license or other official photo identification, and a birth certificate.

(2) 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.

(3) 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 prerelease custody.

(4) Definition

In this subsection, the term ''community confinement'' means residence in a community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community facility.

(c) 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, State, and local levels to facilitate the exchange of information and the development of resources to enhance opportunities for successful offender reentry.

(d) Duties of the Bureau of Prisons

(1) Omitted

(2) Measuring the removal of obstacles to reentry

(A) Coding required

The Director shall ensure that 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.

(B) Tracking

In carrying out this paragraph, the Director shall quantitatively track the progress in responding to the reentry needs and deficits of individual inmates.

(C) 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 the Bureau of Prisons in responding to the reentry needs and deficits of inmates.

(D) Evaluation

The Director shall ensure that—

(i) the performance of each institution within the Bureau of Prisons in enhancing skills and resources to assist in reentry is measured and evaluated using recognized measurements; and

(ii) plans for corrective action are developed and implemented as necessary.

(3) Measuring and improving recidivism outcomes

(A) Annual report required

(i) 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 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.

(ii) Scope

A report under this paragraph is not required to include statistics for a fiscal year that begins before April 9, 2008.

(B) Measure used

In preparing the reports required by subparagraph (A), 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 60551(b)(6) of this title.

(C) Goals

(i) In general

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

(ii) Contents

The goals established under clause (i) shall use the relative reductions in recidivism measured for the fiscal year covered by the first report required by subparagraph (A) as a baseline rate, and shall include—

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

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

(4) Format

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

(5) 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.

(e) Encouragement of employment of former prisoners

The Attorney General, in consultation with the Secretary of Labor, shall take such steps as are necessary to educate employers and the one-stop partners and one-stop operators (as such terms are defined in section 3102 of title 29) that provide services at any center operated under a one-stop delivery system established under section 3151(e) of title 29 regarding incentives (including the Federal bonding program of the Department of Labor and tax credits) for hiring former Federal, State, or local prisoners.

(f) Omitted

(g) Elderly and family reunification for certain nonviolent offenders pilot program

(1) Program authorized

(A) In general

The Attorney General shall conduct a pilot program to determine the effectiveness of removing eligible elderly offenders and eligible terminally ill offenders from Bureau of Prisons facilities and placing such offenders on home detention until the expiration of the prison term to which the offender was sentenced.

(B) Placement in home detention

In carrying out a pilot program as described in subparagraph (A), the Attorney General may release some or all eligible elderly offenders and eligible terminally ill offenders from Bureau of Prisons facilities to home detention, upon written request from either the Bureau of Prisons or an eligible elderly offender or eligible terminally ill offender.

(C) Waiver

The Attorney General is authorized to waive the requirements of section 3624 of title 18 as necessary to provide for the release of some or all eligible elderly offenders and eligible terminally ill offenders from Bureau of Prisons facilities to home detention for the purposes of the pilot program under this subsection.

(2) Violation of terms of home detention

A violation by an eligible elderly offender or eligible terminally ill 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), or to another appropriate Bureau of Prisons institution, as determined by the Bureau of Prisons.

(3) Scope of pilot program

A pilot program under paragraph (1) shall be conducted through Bureau of Prisons facilities designated by the Attorney General as appropriate for the pilot program and shall be carried out during fiscal years 2019 through 2023.

(4) Implementation and evaluation

The Attorney General shall monitor and evaluate each eligible elderly offender or eligible terminally ill offender placed on home detention under this section, and shall report to Congress concerning the experience with the program at the end of the period described in paragraph (3). The Administrative Office of the United States Courts and the United States probation offices shall provide such as-

sistance and carry out such functions as the Attorney General may request in monitoring, supervising, providing services to, and evaluating eligible elderly offenders and eligible terminally ill offenders released to home detention under this section.

(5) Definitions

In this section:

(A) Eligible elderly offender

The term ''eligible elderly offender'' means an offender in the custody of the Bureau of Prisons—

(i) who is not less than 60 years of age;

(ii) who is serving a term of imprisonment that is not life imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16 of title 18), sex offense (as defined in section 20911(5) of this title), offense described in section 2332b(g)(5)(B) of title 18, or offense under chapter 37 of title 18, and has served ⅔ of the term of imprisonment to which the offender was sentenced;

(iii) who has not been convicted in the past of any Federal or State crime of violence, sex offense, or other offense described in clause (ii);

(iv) who 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, or of engaging in conduct constituting a sex offense or other offense described in clause (ii);

(v) who has not escaped, or attempted to escape, from a Bureau of Prisons institution;

(vi) with respect to whom the Bureau of Prisons has determined that release to home detention under this section will result in a substantial net reduction of costs to the Federal Government; and

(vii) who has been determined by the Bureau of Prisons to be at no substantial risk of engaging in criminal conduct or of endangering any person or the public if released to home detention.

(B) Home detention

The term ''home detention'' has the same meaning given the term in the Federal Sentencing Guidelines as of April 9, 2008, and includes detention in a nursing home or other residential long-term care facility.

(C) 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.

(D) Eligible terminally ill offender

The term ''eligible terminally ill offender'' means an offender in the custody of the Bureau of Prisons who—

(i) is serving a term of imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16(a) of title 18), sex offense (as defined in section 20911(5) of this title), offense described in section 2332b(g)(5)(B) of title 18, or offense under chapter 37 of title 18;

(ii) satisfies the criteria specified in clauses (iii) through (vii) of subparagraph (A); and

(iii) has been determined by a medical doctor approved by the Bureau of Prisons to be—

(I) in need of care at a nursing home, intermediate care facility, or assisted living facility, as those terms are defined in section 1715w of title 12; or

(II) diagnosed with a terminal illness.

(h) Authorization for appropriations for Bureau of Prisons

There are authorized to be appropriated to the Attorney General to carry out this section, $5,000,000 for each of fiscal years 2019 through 2023.

(Pub. L. 110–199, title II, §231, Apr. 9, 2008, 122 Stat. 683; Pub. L. 113–128, title V, §512(bb)(2), July 22, 2014, 128 Stat. 1717; Pub. L. 115–391, title V, §504(b), title VI, §§603(a), 604(a), Dec. 21, 2018, 132 Stat. 5233, 5238, 5241.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 17541 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Section is comprised of section 231 of Pub. L. 110–199. Subsec. (d)(1) of section 231 of Pub. L. 110–199 amended section 4042(a) of Title 18, Crimes and Criminal Procedure. Subsec. (f) of section 231 of Pub. L. 110–199 amended section 3621 of Title 18.

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115–391, §604(a)(1), substituted ''prior to release from a term of imprisonment in a Federal prison or if the individual was not sentenced to a term of imprisonment in a Federal prison, prior to release from a sentence to a term in community confinement, including'' for ''(including'' and ''and a birth certificate'' for ''or birth certificate) prior to release''.

Subsec. (b)(4). Pub. L. 115–391, §604(a)(2), added par. (4).

Subsec. (g)(1). Pub. L. 115–391, §603(a)(1)(A), inserted ''and eligible terminally ill offenders'' after ''elderly offenders'' wherever appearing.

Subsec. (g)(1)(A). Pub. L. 115–391, §603(a)(1)(B), substituted ''Bureau of Prisons facilities'' for ''a Bureau of Prisons facility''.

Subsec. (g)(1)(B). Pub. L. 115–391, §603(a)(1)(C), substituted ''Bureau of Prisons facilities'' for ''the Bureau of Prisons facility'' and inserted '', upon written request from either the Bureau of Prisons or an eligible elderly offender or eligible terminally ill offender'' after ''to home detention''.

Subsec. (g)(1)(C). Pub. L. 115–391, §603(a)(1)(D), substituted ''Bureau of Prisons facilities'' for ''the Bureau of Prisons facility''.

Subsec. (g)(2). Pub. L. 115–391, §603(a)(2), inserted ''or eligible terminally ill offender'' after ''elderly offender''.

Subsec. (g)(3). Pub. L. 115–391, §603(a)(3), substituted ''Bureau of Prisons facilities'' for ''at least one Bureau of Prisons facility''.

Pub. L. 115–391, §504(b)(1)(A), substituted ''carried out during fiscal years 2019 through 2023'' for ''carried out during fiscal years 2009 and 2010''.

Subsec. (g)(4). Pub. L. 115–391, § 603(a)(4), inserted ''or eligible terminally ill offender'' after ''each eligible elderly offender'' and ''and eligible terminally ill offenders'' after ''eligible elderly offenders''.

Subsec. (g)(5)(A)(i). Pub. L. 115–391, § 603(a)(5)(A)(i), substituted ''60 years of age'' for ''65 years of age''.

Subsec. (g)(5)(A)(ii). Pub. L. 115–391, § 603(a)(5)(A)(ii), substituted ''⅔'' for ''75 percent''.

Pub. L. 115–391, § 504(b)(1)(B), struck out ''the greater of 10 years or'' after ''has served''.

Subsec. (g)(5)(D). Pub. L. 115–391, § 603(a)(5)(B), added subpar. (D).

Subsecs. (h), (i). Pub. L. 115–391, § 504(b)(2)–(4), redesignated subsec. (i) as (h), substituted ''2019 through 2023'' for ''2009 and 2010'', and struck out former subsec. (h) which related to the Federal Remote Satellite Tracking and Reentry Training program.

2014—Subsec. (e). Pub. L. 113–128 substituted ''the one-stop partners and one-stop operators (as such terms are defined in section 3102 of title 29) that provide services at any center operated under a one-stop delivery system established under section 3151(e) of title 29'' for ''the one-stop partners and one-stop operators (as such terms are defined in section 2801 of title 29) that provide services at any center operated under a one-stop delivery system established under section 2864(c) of title 29''.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113–128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113–128, set out as an Effective Date note under section 3101 of Title 29, Labor.

SUBPART 2—REENTRY RESEARCH

§ 60551. 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 adversely 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 reentering 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).

(Pub. L. 110–199, title II, § 241, Apr. 9, 2008, 122 Stat. 690.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 17551 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 60552. 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.

(Pub. L. 110–199, title II, § 242, Apr. 9, 2008, 122 Stat. 690.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 17552 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 60553. Addressing the needs of children of incarcerated parents

(a) Best practices

(1) In general

From amounts made available to carry out this section, the Attorney General may 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 development of best practices described in subsection (a), the Attorney General shall disseminate to States and other relevant entities such best practices.

(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.

(Pub. L. 110–199, title II, § 243, Apr. 9, 2008, 122 Stat. 691.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 17553 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 60554. Repealed. Pub. L. 115–391, title V, § 504(d), Dec. 21, 2018, 132 Stat. 5233

Section, Pub. L. 110–199, title II, § 244, Apr. 9, 2008, 122 Stat. 692, related to study of effectiveness of depot naltrexone for heroin addiction.

Section was formerly classified to section 17554 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 60555. Authorization of appropriations for research

There are authorized to be appropriated to the Attorney General to carry out sections 60551, 60552, and 60553 of this title, $5,000,000 for each of the fiscal years 2019, 2020, 2021, 2022, and 2023.

(Pub. L. 110–199, title II, § 245, Apr. 9, 2008, 122 Stat. 692; Pub. L. 115–391, title V, § 504(e), Dec. 21, 2018, 132 Stat. 5233.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 17555 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Pub. L. 115–391 substituted ''and 60553 of this title, $5,000,000 for each of the fiscal years 2019, 2020, 2021, 2022, and 2023'' for ''60553, and 60554 of this title, $10,000,000 for each of the fiscal years 2009 and 2010''.

CHAPTER 607—PROJECT SAFE NEIGHBORHOODS BLOCK GRANT PROGRAM

Sec.
60701. Definitions.
60702. Establishment.
60703. Purpose.
60704. Rules and regulations.
60705. Authorization of appropriations.

§ 60701. Definitions

For the purposes of this chapter—

(1) the term ''firearms offenses'' means an offense under section 922 or 924 of title 18;

(2) the term ''Program'' means the Project Safe Neighborhoods Block Grant Program established under section 60702 of this title; and

(3) the term ''transnational organized crime group'' has the meaning given such term in section 2708(k)(6) of title 22.

(Pub. L. 115–185, § 2, June 18, 2018, 132 Stat. 1485.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

For short title of Pub. L. 115–185, which is classified to this chapter, as the ''Project Safe Neighborhoods Grant Program Authorization Act of 2018'', see section 1 of Pub. L. 115–185, set out as a Short Title of 2018 Amendment note under section 10101 of this title.

§ 60702. Establishment

The Attorney General of the United States is authorized to establish and carry out a program, to be known as the ''Project Safe Neighborhoods Block Grant Program'' within the Office of Justice Programs at the Department of Justice.

(Pub. L. 115–185, § 3, June 18, 2018, 132 Stat. 1485.)

§ 60703. Purpose

(a) Project Safe Neighborhoods Block Grant Program

The purpose of the Program is to foster and improve existing partnerships between Federal, State, and local agencies, including the United States Attorney in each Federal judicial district, entities representing members of the community affected by increased violence, victims' advocates, and researchers to create safer neighborhoods through sustained reductions in violent crimes by—

(1) developing and executing comprehensive strategic plans to reduce violent crimes, in-

cluding the enforcement of gun laws, and prioritizing efforts focused on identified subsets of individuals or organizations responsible for increasing violence in a particular geographic area;

(2) developing evidence-based and data-driven intervention and prevention initiatives, including juvenile justice projects and activities which may include street-level outreach, conflict mediation, provision of treatment and social services, and the changing of community norms, in order to reduce violence; and

(3) collecting data on outcomes achieved through the Program, including the effect on the violent crime rate, incarceration rate, and recidivism rate of the jurisdiction.

(b) Additional purpose areas

In addition to the purpose described in subsection (a), the Attorney General may use funds authorized under this chapter for any of the following purposes—

(1) competitive and evidence-based programs to reduce gun crime and gang violence;

(2) the Edward Byrne criminal justice innovation program;[1]

(3) community-based violence prevention initiatives; or

(4) gang and youth violence education, prevention and intervention, and related activities.

(Pub. L. 115–185, § 4, June 18, 2018, 132 Stat. 1485.)

§ 60704. Rules and regulations

(a) In general

The Attorney General shall issue guidance to create, carry out, and administer the Program in accordance with this section.

(b) Funds to be directed to local control

Amounts made available as grants under the Program shall be, to the greatest extent practicable, locally controlled to address problems that are identified locally.

(c) Task Forces

Thirty percent of the amounts made available as grants under the Program each fiscal year shall be granted to Gang Task Forces in regions experiencing a significant or increased presence of criminal or transnational organizations engaging in high levels of violent crime, firearms offenses, human trafficking, and drug trafficking.

(d) Priority

Amounts made available as grants under the Program shall be used to prioritize the investigation and prosecution of individuals who have an aggravating or leadership role in a criminal or transnational organization described in subsection (c).

(Pub. L. 115–185, § 5, June 18, 2018, 132 Stat. 1486.)

§ 60705. Authorization of appropriations

There are authorized to be appropriated to the Attorney General to carry out the Program $50,000,000 for each of fiscal years 2019 through 2021.

[1] So in original. Probably should be ''Edward Byrne Criminal Justice Innovation Program;''.

(Pub. L. 115–185, § 6, June 18, 2018, 132 Stat. 1486.)

CHAPTER 609—HOMICIDE VICTIMS' FAMILIES' RIGHTS

Sec.
60901. Case file review.
60902. Application.
60903. Full reinvestigation.
60904. Consultation and updates.
60905. Subsequent reviews.
60906. Data collection.
60907. Procedures to promote compliance.
60908. Withholding information.
60909. Multiple agencies.
60910. Applicability.
60911. Definitions.
60912. Annual report.

§ 60901. Case file review

(a) In general

The head of an agency shall review the case file regarding a cold case murder upon written application by one designated person to determine if a full reinvestigation would result in either the identification of probative investigative leads or a likely perpetrator.

(b) Review

The review under subsection (a) shall include—

(1) an analysis of what investigative steps or follow-up steps may have been missed in the initial investigation;

(2) an assessment of whether witnesses should be interviewed or reinterviewed;

(3) an examination of physical evidence to see if all appropriate forensic testing and analysis was performed in the first instance or if additional testing might produce information relevant to the investigation; and

(4) an update of the case file using the most current investigative standards as of the date of the review to the extent it would help develop probative leads.

(c) Certification in lieu of review

In any case in which a written application for review has been received under this chapter by the agency, review shall be unnecessary where the case does not satisfy the criteria for a cold case murder. In such a case, the head of the agency shall issue a written certification, with a copy provided to the designated person that made the application under subsection (a), stating that final review is not necessary because all probative investigative leads have been exhausted or that a likely perpetrator will not be identified.

(d) Reviewer

A review required under subsection (a) shall not be conducted by a person who previously investigated the murder at issue.

(e) Acknowledgment

The agency shall provide in writing to the applicant as soon as reasonably possible—

(1) confirmation of the agency's receipt of the application under subsection (a); and

(2) notice of the applicant's rights under this chapter.

(f) Prohibition on multiple concurrent reviews

Only one case review shall be undertaken at any one time with respect to the same cold case murder victim.

(g) Time limit

Not later than 6 months after the receipt of the written application submitted pursuant to subsection (a), the agency shall conclude its case file review and reach a conclusion about whether or not a full reinvestigation under section 60903 of this title is warranted.

(h) Extensions

(1) In general

The agency may extend the time limit under subsection (g) once for a period of time not to exceed 6 months if the agency makes a finding that the number of case files to be reviewed make it impracticable to comply with such limit without unreasonably taking resources from other law enforcement activities.

(2) Actions subsequent to waiver

For cases for which the time limit in subsection (g) is extended, the agency shall provide notice and an explanation of its reasoning to one designated person who filed the written application pursuant to this section.

(Pub. L. 117–164, §2, Aug. 3, 2022, 136 Stat. 1358.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

For short title of Pub. L. 117–164, which enacted this chapter, as the Homicide Victims' Families' Rights Act of 2021, see section 1 of Pub. L. 117–164, set out as a Short Title of 2022 Amendment note under section 10101 of this title.

§ 60902. Application

Each agency shall develop a written application to be used for designated persons to request a case file review under section 60901 of this title.

(Pub. L. 117–164, §3, Aug. 3, 2022, 136 Stat. 1359.)

§ 60903. Full reinvestigation

(a) In general

The agency shall conduct a full reinvestigation of the cold case murder at issue if the review of the case file required by section 60901 of this title concludes that a full reinvestigation of such cold case murder would result in probative investigative leads.

(b) Reinvestigation

A full reinvestigation shall include analyzing all evidence regarding the cold case murder at issue for the purpose of developing probative investigative leads or a likely perpetrator.

(c) Reviewer

A reinvestigation required under subsection (a) shall not be conducted by a person who previously investigated the murder at issue.

(d) Prohibition on multiple concurrent reviews

Only one full reinvestigation shall be undertaken at any one time with respect to the same cold case murder victim.

(Pub. L. 117–164, §4, Aug. 3, 2022, 136 Stat. 1359.)

§ 60904. Consultation and updates

(a) In general

The agency shall consult with the designated person who filed the written application pursuant to section 60901 of this title and provide him or her with periodic updates during the case file review and full reinvestigation.

(b) Explanation of conclusion

The agency shall meet with the designated person and discuss the evidence to explain to the designated person who filed the written application pursuant to section 60901 of this title its decision whether or not to engage in the full reinvestigation provided for under section 60903 of this title at the conclusion of the case file review.

(Pub. L. 117–164, §5, Aug. 3, 2022, 136 Stat. 1359.)

§ 60905. Subsequent reviews

(a) Case file review

If a review under subsection (a) case file[1] regarding a cold case murder is conducted and a conclusion is reached not to conduct a full reinvestigation, no additional case file review shall be required to be undertaken under this chapter with respect to that cold case murder for a period of five years, unless there is newly discovered, materially significant evidence. An agency may continue an investigation absent a designated person's application.

(b) Full reinvestigation

If a full reinvestigation of a cold case murder is completed and a suspect is not identified at its conclusion, no additional case file review or full reinvestigation shall be undertaken with regard to that cold case murder for a period of five years beginning on the date of the conclusion of the reinvestigation, unless there is newly discovered, materially significant evidence.

(Pub. L. 117–164, §6, Aug. 3, 2022, 136 Stat. 1359.)

§ 60906. Data collection

(a) In general

Beginning on the date that is three years after August 3, 2022, and annually thereafter, the Director of the National Institute of Justice shall publish statistics on the number of cold case murders.

(b) Manner of publication

The statistics published pursuant to subsection (a) shall, at a minimum, be disaggregated by the circumstances of the cold case murder, including the classification of the offense, and by agency.

(Pub. L. 117–164, §7, Aug. 3, 2022, 136 Stat. 1360.)

§ 60907. Procedures to promote compliance

(a) Regulations

Not later than one year after August 3, 2022, the head of each agency shall promulgate regulations to enforce the right of a designated person to request a review under this chapter and to ensure compliance by the agency with the obligations described in this chapter.

(b) Procedures

The regulations promulgated under subsection (a) shall—

[1] So in original.

(1) designate an administrative authority within the agency to receive and investigate complaints relating to a review initiated under section 60901 of this title or a reinvestigation initiated under section 60903 of this title;

(2) require a course of training for appropriate employees and officers within the agency regarding the procedures, responsibilities, and obligations required under this chapter;

(3) contain disciplinary sanctions, which may include suspension or termination from employment, for employees of the agency who are shown to have willfully or wantonly failed to comply with this chapter;

(4) provide a procedure for the resolution of complaints filed by the designated person concerning the agency's handling of a cold case murder investigation or the case file evaluation; and

(5) provide that the head of the agency, or the designee thereof, shall be the final arbiter of the complaint, and that there shall be no judicial review of the final decision of the head of the agency by a complainant.

(Pub. L. 117–164, § 8, Aug. 3, 2022, 136 Stat. 1360.)

§ 60908. Withholding information

Nothing in this chapter shall require an agency to provide information that would endanger the safety of any person, unreasonably impede an ongoing investigation, violate a court order, or violate legal obligations regarding privacy.

(Pub. L. 117–164, § 9, Aug. 3, 2022, 136 Stat. 1360.)

§ 60909. Multiple agencies

In the case that more than one agency conducted the initial investigation of a cold case murder, each agency shall coordinate their case file review or full reinvestigation such that there is only one joint case file review or full reinvestigation occurring at a time in compliance with section 60901(f) or 60903(d) of this title, as applicable.

(Pub. L. 117–164, § 10, Aug. 3, 2022, 136 Stat. 1361.)

§ 60910. Applicability

This chapter applies in the case of any cold case murder occurring on or after January 1, 1970.

(Pub. L. 117–164, § 11, Aug. 3, 2022, 136 Stat. 1361.)

§ 60911. Definitions

In this chapter:

(1) The term ''designated person'' means an immediate family member or someone similarly situated, as defined by the Attorney General.

(2) The term ''immediate family member'' means a parent, parent-in-law, grandparent, grandparent-in-law, sibling, spouse, child, or step-child of a murder victim.

(3) The term ''victim'' means a natural person who died as a result of a cold case murder.

(4) The term ''murder'' means any criminal offense under section 1111(a) of title 18 or any offense the elements of which are substantially identical to such section.

(5) The term ''agency'' means a Federal law enforcement entity with jurisdiction to engage in the detection, investigation, or prosecution of a cold case murder.

(6) The term ''cold case murder'' means a murder—

(A) committed more than three years prior to the date of an application by a designated person under section 60901(a) of this title;

(B) previously investigated by a Federal law enforcement entity;

(C) for which all probative investigative leads have been exhausted; and

(D) for which no likely perpetrator has been identified.

(Pub. L. 117–164, § 12, Aug. 3, 2022, 136 Stat. 1361.)

§ 60912. Annual report

(a) In general

Each agency shall submit an annual report to the Committees on the Judiciary of the House of Representatives and of the Senate describing actions taken and results achieved under this chapter during the previous year.

(b) Report described

The report described in subsection (a) shall include—

(1) the number of written applications filed with the agency pursuant to section 60901(a) of this title;

(2) the number of extensions granted, and an explanation of reasons provided under section 60901(h) of this title;

(3) the number of full reinvestigations initiated and closed pursuant to section 60903 of this title; and

(4) statistics and individualized information on topics that include identified suspects, arrests, charges, and convictions for reviews under section 60901 of this title and reinvestigations under section 60903 of this title.

(Pub. L. 117–164, § 13, Aug. 3, 2022, 136 Stat. 1361.)