

111TH CONGRESS
1ST SESSION

H. R. 2095

To authorize grants for programs that provide support services to exonerees.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2009

Mr. PAYNE (for himself, Mr. COHEN, Mr. DAVIS of Illinois, Ms. LEE of California, Mr. BISHOP of Georgia, Ms. CLARKE, Mr. RUSH, and Mrs. CHRISTENSEN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize grants for programs that provide support services to exonerees.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restitution for the Ex-
5 onerated Act of 2009”.

6 **SEC. 2. GRANT PROGRAM AUTHORIZED.**

7 (a) EXONEREE SERVICES GRANTS AUTHORIZED.—

8 The Attorney General may award grants to eligible organi-
9 zations to carry out programs that provide support serv-
10 ices to exonerees.

1 (b) GRANT PERIOD; RENEWABILITY.—A grant
2 awarded under this section shall be for a period of one
3 year, and may be renewed for subsequent one-year periods
4 as the Attorney General determines to be appropriate.

5 (c) SUPPLEMENTAL FUNDS.—The Attorney General
6 may provide to an eligible organization awarded funds
7 under a grant under subsection (a) for a period described
8 in subsection (b), additional funds under such grant dur-
9 ing such period if the Attorney General determines that
10 the organization has need for such additional funds, such
11 as in the case that the number of exonerees entering the
12 population served by such organization is greater than
13 such number expected by the organization.

14 **SEC. 3. GRANT USES.**

15 (a) ACTIVITIES.—A grant awarded under this Act to
16 an eligible organization shall be used only—

17 (1) to carry out a program that provides and
18 coordinates the delivery of support services for
19 exonerees, including—

20 (A) employment training;

21 (B) vocational training;

22 (C) education;

23 (D) health care services;

24 (E) mental health services;

25 (F) housing assistance;

- 1 (G) substance abuse training;
2 (H) legal assistance;
3 (I) children and family support; and
4 (J) other appropriate services, as deter-
5 mined by the Attorney General; and
6 (2) for administrative expenses necessary to
7 carry out the program described in paragraph (1),
8 including staff salaries and training.

9 (b) LIMITATIONS.—A grant awarded under this Act
10 may not be used to provide support services—

- 11 (1) to an exoneree who has not demonstrated fi-
12 nancial need for such services; or
13 (2) for a period of more than 24 months for
14 any exoneree.

15 **SEC. 4. APPLICATIONS.**

16 (a) IN GENERAL.—To request a grant under this
17 Act, an eligible organization shall submit to the Attorney
18 General an application at such time, in such manner, and
19 containing such information as the Attorney General may
20 require. Such application shall—

- 21 (1) describe the program to be funded by the
22 grant, and the need for such program;
23 (2) describe a long-term strategy and detailed
24 implementation for such program;

1 (3) identify the governmental and community
2 agencies with which the program will collaborate,
3 and that the program will utilize to enhance
4 exoneree services; and

5 (4) describe the methodology and outcome
6 measures that will be used to evaluate the effective-
7 ness of such program.

8 (b) APPLICATION DEADLINES.—The Attorney Gen-
9 eral shall solicit and review applications for grants under
10 this Act at least once during each 6-month period.

11 (c) PRIORITY BASED ON NEED.—In awarding grants
12 under this Act, the Attorney General shall give priority
13 to eligible organizations that serve geographic regions that
14 have the greatest need for exoneree support services, as
15 determined by the Attorney General.

16 **SEC. 5. REPORTS.**

17 For each year in which an eligible organization re-
18 ceives a grant under this Act, the eligible organization
19 shall submit a report to the Attorney General that de-
20 scribes the program carried out by the organization with
21 such grant, and evaluates the effectiveness of such pro-
22 gram during such year.

23 **SEC. 6. DEFINITIONS.**

24 In this Act:

1 (1) ELIGIBLE ORGANIZATION.—The term “eligi-
2 ble organization” means any nonprofit organization
3 that—

4 (A) has experience and expertise in coordi-
5 nating and delivering support services specific
6 to the needs of exonerees; or

7 (B) demonstrates the capacity to effec-
8 tively coordinate and deliver such support serv-
9 ices, as determined by the Attorney General.

10 (2) EXONEREE.—The term “exoneree” means
11 an individual who—

12 (A) has been convicted by a Federal or
13 State court of an offense that is punishable by
14 a term of imprisonment that is equal to or
15 greater than one year;

16 (B) has served a term of imprisonment of
17 at least 6 months in a Federal or State prison
18 or other correctional facility as a result of such
19 conviction; and

20 (C) has been determined to be factually in-
21 nocent of such offense.

22 (3) FACTUALLY INNOCENT.—The term “factu-
23 ally innocent” means, with respect to an individual
24 who has been convicted of an offense described in

1 paragraph (2)(A), one or more of the following has
2 occurred:

3 (A) A court has issued a factual finding of
4 innocence.

5 (B) The Governor of the State in which
6 the individual was convicted or the President,
7 as applicable, has issued a pardon based on the
8 facts of the offense for which the individual was
9 convicted.

10 (C) A court has vacated or reversed the
11 conviction based on legal insufficiency of the
12 evidence or other factual finding of actual inno-
13 cence, and the Federal, State, or local govern-
14 ment has dismissed the accusatory instrument.

15 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

16 There is authorized to be appropriated to carry out
17 this Act \$2,000,000 for each of the fiscal years 2010
18 through 2014. Amounts authorized under this section
19 shall remain available until expended.

○