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111TH CONGRESS
2^D SESSION

S. 2772

To establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 2009

Mr. WHITEHOUSE (for himself, Mr. CORNYN, Mr. LEAHY, Mr. FEINGOLD, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MARCH 22 (legislative day, MARCH 19), 2010

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Criminal Justice Reim-
3 vestment Act of 2009”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) A total of 2,200,000 American adults are
7 incarcerated in State and local prisons and jails, a
8 rate of about 1 out of every 100 adults.

9 (2) State spending on corrections has increased
10 over the last 20 years from approximately
11 \$12,600,000,000 in 1988 to more than
12 \$52,000,000,000 in 2008. According to “Public
13 Safety, Public Spending: Forecasting America’s
14 Prison Population 2007–2011”, State and Federal
15 prison populations are expected to increase by
16 192,000 over that 5-year period, at an additional
17 cost of \$27,500,000,000.

18 (3) Between 2000 and 2008, jail populations
19 increased from approximately 621,000 to 785,000
20 inmates. The 3,300 jails nationwide process approxi-
21 mately 13,500,000 inmates each year, 4,000,000 of
22 whom are repeat offenders.

23 (4) The number of persons on probation and
24 parole in State correctional systems has been in-
25 creasing. Approximately 5,000,000 Americans, or 1

1 out of every 45 adults, are on probation or parole;
 2 an increase of nearly 300 percent since 1980.

3 (5) Policymakers have insufficient access to de-
 4 tailed, data-driven explanations about changes in
 5 crime, arrest, conviction, and prison and jail popu-
 6 lation trends.

7 (6) In the face of ever-increasing correctional
 8 costs, with bipartisan leadership, governors and leg-
 9 islative leaders in Texas, Kansas, Rhode Island,
 10 Vermont, and other States around the country have
 11 initiated data-driven criminal justice reinvestment
 12 strategies that increase public safety, hold offenders
 13 accountable, and control corrections spending.

14 **SEC. 3. PURPOSE AND DEFINITION.**

15 (a) **PURPOSE.**—The purpose of this Act is to provide
 16 grants for criminal justice reinvestment strategies.

17 (b) **CRIMINAL JUSTICE REINVESTMENT.**—In this
 18 Act, the term “criminal justice reinvestment” refers to a
 19 data-driven program that—

20 (1) analyzes criminal justice trends to under-
 21 stand what factors are driving the growth in prison
 22 and jail populations;

23 (2) develops and implements policy options to
 24 manage the growth in corrections populations and
 25 increase the effectiveness of current spending and

1 investment to increase public safety and improve in-
 2 dividual and system accountability; and

3 ~~(3)~~ measures the impact of the policy changes
 4 and reinvestment resources and holds policymakers
 5 accountable for projected results.

6 **SEC. 4. PUBLIC SAFETY PERFORMANCE GRANTS TO IMPLE-**
 7 **MENT CRIMINAL JUSTICE REINVESTMENT**
 8 **STRATEGIES.**

9 (a) PHASE 1—DATA ANALYSIS AND POLICY DEVEL-
 10 OPMENT GRANTS.—

11 (1) IN GENERAL.—The Attorney General may
 12 make grants to a State, unit of local government,
 13 territory, or Indian tribe (referred to in this Act as
 14 an “eligible entity”) to analyze and improve the
 15 cost-effectiveness of State and local spending on
 16 prisons, jails, and community corrections (referred
 17 to in this Act as “Phase 1 grants”).

18 ~~(2)~~ OBJECTIVES.—The purposes of the Phase 1
 19 grants shall be for an eligible entity—

20 (A) to conduct a comprehensive analysis of
 21 criminal justice data, including crime and arrest
 22 rates, conviction rates, pretrial and reentry
 23 services, and probation, parole, prison and jail
 24 populations;

1 (B) to evaluate relevant criminal justice
2 policies and the cost-effectiveness of current
3 spending on corrections and community correc-
4 tions; and

5 (C) to develop data-driven policy options
6 that can increase public safety and improve of-
7 fender accountability.

8 (3) DETAILS.—The comprehensive analysis,
9 evaluation, and policy development required by para-
10 graph (2) shall include—

11 (A) an analysis of reported crime and ar-
12 rest data;

13 (B) an analysis of felony conviction data to
14 understand the percent of offenders who are
15 sentenced to prison or jail for particular of-
16 fenses;

17 (C) an analysis of prison or jail admission
18 and length-of-stay data over a 3- to 5-year time
19 period to determine which cohorts of offenders
20 account for the growth of the population;

21 (D) an analysis of probation and parole
22 data to determine which offenders are violating
23 the conditions of supervision and being revoked
24 to prison or jail;

1 (E) an analysis of the current capacity and
2 quality of crime prevention and crime-fighting
3 programs, including institutional and commu-
4 nity-based risk-reduction programs such as
5 drug treatment, mental health, education, job
6 training, housing, and other human services to
7 divert individuals from prisons or jails and to
8 reduce recidivism among offenders on commu-
9 nity supervision;

10 (F) consultation with criminal justice
11 stakeholders, including State corrections de-
12 partments, community corrections agencies,
13 local jail systems, and relevant governmental
14 agencies and nonprofit organizations;

15 (G) an analysis of criminal justice policies
16 and expenditures, including the cost-effective-
17 ness of current spending on corrections and
18 community corrections, to understand how the
19 existing system accounts for criminal justice
20 trends;

21 (H) the development of a prison or jail
22 population projection using a simulation model
23 based on collected data to test the impact of
24 various policy changes; and

(I) the development of practical, data-driven policy options that can increase public safety, improve offender accountability, reduce recidivism, and manage the growth of spending on corrections in the relevant criminal justice system.

(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Attorney General an application, in such form and manner and at such time as specified by the Attorney General that includes a proposal that describes how the grant will fulfill the objectives required by paragraph (2).

(5) PRIORITY.—The Attorney General, in awarding funds under this subsection, shall give priority to eligible entities that—

(A) demonstrate a commitment from the chief executive officer, legislative body, judiciary, law enforcement officials, correctional agencies and prosecutors of the eligible entity to work together in a collaborative bipartisan approach to analyze the data and develop criminal justice policy options;

(B) establish or designate a multibranch, bipartisan, intergovernmental, interagency task

1 force of elected and appointed officials to ad-
 2 dress the criminal justice and public safety
 3 challenges facing the jurisdiction;

4 (C) demonstrate access to data from across
 5 the criminal justice system, including crime and
 6 arrest, court and conviction, jail, prison, com-
 7 munity corrections data, and standards for
 8 analysis;

9 (D) identify agency or consultant capacity
 10 to objectively analyze data, utilize simulation
 11 models for prison or jail population projections,
 12 and develop concise written reports and policy
 13 options for policymakers to review; or

14 (E) demonstrate that the projected growth
 15 over a 10-year period is expected to exceed cur-
 16 rent corrections capacity.

17 (6) COMPLETION OF GRANT.—The analysis,
 18 evaluation, and policy development required for a
 19 grant under this subsection shall be completed not
 20 later than 12 months after the receipt of funding for
 21 the grant unless granted an extension of time by the
 22 Attorney General.

23 (b) PHASE 2—IMPLEMENTATION GRANTS.—

24 (1) IN GENERAL.—The Attorney General may
 25 make grants to eligible entities to implement policies

1 and programs designed to help jurisdictions manage
2 the growth in spending on corrections and increase
3 public safety (referred to in this Act as “Phase 2
4 grants”).

5 (2) OBJECTIVES.—The purposes of the Phase 2
6 grants shall be for an eligible entity to—

7 (A) fund programs identified by prior data
8 analysis and policy development that provide
9 training and technical assistance; support the
10 delivery of risk-reduction programs; or other-
11 wise enhance public safety and improve offender
12 accountability by strengthening the criminal
13 justice system;

14 (B) reinvest averted prison or jail costs
15 into programs that enhance public safety by
16 strengthening the criminal justice system or
17 high-risk communities and individuals; and

18 (C) measure performance of policies and
19 programs enacted or established in subpara-
20 graphs (A) and (B).

21 (3) PROGRAMS.—The programs described by
22 paragraphs (2)(A) and (2)(B) shall—

23 (A) provide training and technical assist-
24 ance including—

1 (i) training of corrections and commu-
 2 nity corrections, judicial, substance abuse
 3 or mental healthstaff and other key staff
 4 on evidence-based practices for reducing
 5 recidivism; or

6 (ii) training and technical assistance
 7 to assist jurisdictions in implementing and
 8 validating new risk and needs assessment
 9 tools; or technical assistance to implement
 10 evidence-based policies in corrections or
 11 community corrections agencies;

12 (B) establish risk-reduction programs in-
 13 cluding—

14 (i) substance abuse or mental health
 15 treatment;

16 (ii) education or job training;

17 (iii) job placement, development, and
 18 creation;

19 (iv) intermediate sanction programs
 20 and facilities, including community-based
 21 reentry programs, day reporting centers
 22 and electronic monitoring; or

23 (v) supportive housing programs;

24 (C) reduce the number of rearrests, re-
 25 convictions, and revocations of people currently

on probation and parole and increase the number of successful completions of probation and parole;

(D) establish policies and practices that will avert growth in the prison and jail population and, as a result, avert the need to appropriate funds for the construction or operation of a new prison and jail facilities; or

(E) establish comparable programs that enhance public safety by strengthening the criminal justice system.

(4) PERFORMANCE MEASUREMENT.—The performance measures described by paragraph (2)(C) shall track key criminal justice trends across agencies and departments to measure the impact of the programs described in paragraph (3), and include the following measurements where applicable:

(A) Reduction in rearrest, reconviction, and revocations of people currently on probation and parole.

(B) Increases in the number of successful completions of probation and parole.

(C) General crime trends.

(D) Prison and jail populations.

1 (E) Number of program and treatment
2 slots added to reduce recidivism.

3 (5) APPLICATIONS.—To be eligible to receive a
4 grant under this subsection, an eligible entity shall
5 submit to the Attorney General an application, in
6 such form and manner and at such time as specified
7 by the Attorney General that includes a proposal
8 that describes how the grant will fulfill the objectives
9 required by paragraph (2).

10 (6) PRIORITY.—Priority consideration shall be
11 given to applications under this subsection that dem-
12 onstrate that—

13 (A) the proposed programs will improve
14 public safety and improve individual and system
15 accountability while reducing or maintaining
16 criminal justice growth through policies which
17 ensure that—

18 (i) violent offenders are incarcerated;
19 (ii) nonviolent offenders who pose a
20 minimal risk of harm to the community
21 are supervised through effective probation
22 and parole systems and provided with ef-
23 fective risk-reduction programs; and

1 (iii) effective diversion and reentry
2 programs are integrated into a new overall
3 criminal reinvestment strategy;

4 (B) the proposed programs will have a sig-
5 nificant impact on the geographic areas identi-
6 fied by the analysis as having disproportionate
7 numbers of people returning from prison or jail;
8 and

9 (C) data analysis through a Phase 1 grant
10 or similar work has been completed.

11 (e) ANNUAL REPORT.—The Attorney General shall
12 report to the Committees on the Judiciary of the Senate
13 and the House of Representatives on November 1 of each
14 year concerning the development and implementation of
15 grants under this section and strategies developed, which
16 shall include information concerning—

17 (1) the number and identity of the grantees
18 who have received analyses and program develop-
19 ment grants;

20 (2) the progress of grantees in conducting anal-
21 yses and program development;

22 (3) the number and identity of the grantees re-
23 ceiving implementation grants;

24 (4) the progress of grantees in implementing
25 criminal justice reinvestment strategies; and

1 ~~(5)~~ the performance of entities implementing
 2 criminal justice reinvestment strategies, including
 3 relevant data on—

4 ~~(A)~~ the reduction, if any, in the number of
 5 rearrests, reconvictions, and revocations of peo-
 6 ple currently on probation and parole;

7 ~~(B)~~ the increase, if any, in the number of
 8 successful completions of probation and parole;

9 ~~(C)~~ the reduction, if any, in the growth of
 10 the prison and jail population;

11 ~~(D)~~ the portion of averted costs that has
 12 been or will be reinvested and used to target
 13 high-risk communities and individuals to reduce
 14 the rate of rearrest, reconviction, and revoca-
 15 tion to increase public safety; and

16 ~~(E)~~ the reduction, if any, in rearrest rates
 17 by people under the supervision of the criminal
 18 justice system.

19 ~~(d) SHARING INFORMATION.—~~The Attorney General
 20 shall establish an information clearinghouse for data col-
 21 lected and for best practices developed by eligible grantees
 22 developed in carrying out grants under this section.

23 ~~(e) ADMINISTRATION.—~~Applications for grants shall
 24 be considered on a rolling basis and be responded to in

1 a timely fashion in order to provide assistance to policy-
 2 makers facing various budget timelines.

3 ~~(f) AUTHORIZATION OF APPROPRIATIONS.—~~There
 4 are authorized to be appropriated ~~\$35,000,000~~ to carry
 5 out this section for each of the fiscal years 2010 through
 6 2014.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Criminal Justice Rein-*
 9 *vestment Act of 2010”.*

10 **SEC. 2. FINDINGS.**

11 *Congress finds the following:*

12 *(1) A total of 2,200,000 American adults are in-*
 13 *carcerated in State and local prisons and jails, a rate*
 14 *of about 1 out of every 100 adults.*

15 *(2) State spending on corrections has increased*
 16 *over the last 20 years from approximately*
 17 *\$12,600,000,000 in 1988 to more than*
 18 *\$52,000,000,000 in 2008. According to “Public Safe-*
 19 *ty, Public Spending: Forecasting America’s Prison*
 20 *Population 2007–2011”, State and Federal prison*
 21 *populations are expected to increase by 192,000 over*
 22 *that 5-year period, at an additional cost of*
 23 *\$27,500,000,000.*

24 *(3) Between 2000 and 2008, jail populations in-*
 25 *creased from approximately 621,000 to 785,000 in-*

1 *mates. The 3,300 jails nationwide process approxi-*
 2 *mately 13,500,000 inmates each year, 4,000,000 of*
 3 *whom are repeat offenders.*

4 *(4) The number of persons on probation and pa-*
 5 *role in State correctional systems has been increasing.*
 6 *Approximately 5,000,000 Americans, or 1 out of every*
 7 *45 adults, are on probation or parole, an increase of*
 8 *nearly 300 percent since 1980.*

9 *(5) Many policymakers have insufficient access*
 10 *to detailed, data-driven explanations for changes to*
 11 *crime, arrest, conviction, and prison and jail popu-*
 12 *lation trends.*

13 *(6) In the face of ever-increasing correctional*
 14 *costs, with bipartisan leadership, governors and legis-*
 15 *lative leaders in Texas, Kansas, Rhode Island,*
 16 *Vermont, and other States around the country have*
 17 *implemented data-driven criminal justice reinvest-*
 18 *ment strategies that increase public safety, hold of-*
 19 *fenders accountable, and control corrections spending.*

20 **SEC. 3. PURPOSE AND DEFINITION.**

21 *(a) PURPOSE.—The purpose of this Act is to provide*
 22 *grants for criminal justice reinvestment strategies.*

23 *(b) CRIMINAL JUSTICE REINVESTMENT.—In this Act,*
 24 *the term “criminal justice reinvestment” refers to a data-*
 25 *driven approach that—*

1 (1) *analyzes criminal justice trends to under-*
 2 *stand what factors are driving the growth in prison*
 3 *and jail populations;*

4 (2) *develops and implements policy options to*
 5 *control growth in corrections populations and in-*
 6 *crease the effectiveness of current spending and invest-*
 7 *ment to increase public safety and improve indi-*
 8 *vidual and system accountability; and*

9 (3) *measures the impact of the policy changes*
 10 *and reinvestment resources and holds policymakers*
 11 *accountable for projected results.*

12 **SEC. 4. PUBLIC SAFETY PERFORMANCE GRANTS TO IMPLE-**
 13 **MENT CRIMINAL JUSTICE REINVESTMENT**
 14 **STRATEGIES.**

15 (a) *PHASE 1—DATA ANALYSIS AND POLICY DEVELOP-*
 16 *MENT GRANTS.—*

17 (1) *IN GENERAL.—The Attorney General may*
 18 *make grants to a State, unit of local government, ter-*
 19 *ritory, or Indian tribe (referred to in this Act as an*
 20 *“eligible entity”)* *to analyze and improve the cost-ef-*
 21 *fectiveness of State and local spending on prisons,*
 22 *jails, and community corrections (referred to in this*
 23 *Act as “Phase 1 grants”).*

24 (2) *OBJECTIVES.—The purposes of the Phase 1*
 25 *grants shall be for an eligible entity—*

1 (A) to conduct a comprehensive analysis of
 2 criminal justice data, including crime and arrest
 3 rates, conviction rates, pretrial and reentry serv-
 4 ices, and probation, parole, prison and jail pop-
 5 ulations;

6 (B) to evaluate relevant criminal justice
 7 policies and the cost-effectiveness of current
 8 spending on corrections and community correc-
 9 tions; and

10 (C) to develop data-driven policy options
 11 that can increase public safety and improve of-
 12 fender accountability.

13 (3) *DETAILS.*—The comprehensive analysis, eval-
 14 uation, and policy development required by para-
 15 graph (2) shall include—

16 (A) an analysis of reported crime and ar-
 17 rest data;

18 (B) an analysis of felony conviction data to
 19 understand the percent of offenders who are sen-
 20 tenced to prison or jail for particular offenses;

21 (C) an analysis of prison or jail admission
 22 and length-of-stay data over a 3- to 5-year time
 23 period to determine which cohorts of offenders
 24 account for the growth of the population;

1 (D) an analysis of probation and parole
2 data to determine which cohorts of offenders are
3 violating the conditions of supervision and being
4 revoked to prison or jail;

5 (E) an analysis of the current capacity and
6 effectiveness of institutional and community-
7 based risk-reduction, crime-prevention, and
8 crime-fighting programs to divert individuals
9 from prisons or jails and to reduce recidivism
10 among offenders on community supervision;

11 (F) an analysis of implementation of statu-
12 tory and constitutional victims' rights provisions
13 and victim restitution awards and collection;

14 (G) consultation with criminal justice
15 stakeholders, including State corrections depart-
16 ments, community corrections agencies, local jail
17 systems, crime victims and survivors, and other
18 relevant governmental agencies and nonprofit or-
19 ganizations;

20 (H) an analysis of current criminal justice
21 policies and expenditures to understand how the
22 existing system accounts for criminal justice
23 trends;

24 (I) the development of a prison or jail pop-
25 ulation projection using a simulation model

1 *based on collected data to test the impact of var-*
 2 *ious policy changes; and*

3 *(J) the development of practical, data-driv-*
 4 *en policy options that can increase public safety,*
 5 *improve offender accountability, reduce recidi-*
 6 *vism, and control growth of spending on correc-*
 7 *tions in the relevant criminal justice system.*

8 *(4) APPLICATIONS.—To be eligible to receive a*
 9 *grant under this subsection, an eligible entity shall*
 10 *submit to the Attorney General an application, in*
 11 *such form and manner and at such time as specified*
 12 *by the Attorney General, that includes a proposal that*
 13 *describes how the grant will fulfill the objectives re-*
 14 *quired by paragraph (2).*

15 *(5) PRIORITY.—The Attorney General, in award-*
 16 *ing grants under this subsection, shall give priority*
 17 *to eligible entities that—*

18 *(A) demonstrate a commitment from the*
 19 *chief executive officer, legislative body, judiciary,*
 20 *law enforcement officials, correctional agencies*
 21 *and prosecutors of the eligible entity to work to-*
 22 *gether in a collaborative, bipartisan approach to*
 23 *analyze the data and develop criminal justice*
 24 *policy options;*

1 (B) establish or designate a multibranch,
 2 bipartisan, intergovernmental, interagency task
 3 force of elected and appointed officials to address
 4 the criminal justice and public safety challenges
 5 facing the jurisdiction; or

6 (C) demonstrate that the projected growth
 7 over a 10-year period is expected to exceed cur-
 8 rent corrections capacity.

9 (6) *TECHNICAL ASSISTANCE.*—Upon selection of
 10 an eligible entity to receive a grant under this sub-
 11 section, the Attorney General shall assign and provide
 12 such funds as are necessary from such grant to a tech-
 13 nical assistance provider working with the eligible en-
 14 tity to fulfill the requirements under paragraph (3).

15 (7) *COMPLETION OF GRANT.*—The analysis, eval-
 16 uation, and policy development required for a grant
 17 under this subsection shall be completed not later
 18 than 18 months after the receipt of funding for the
 19 grant unless granted an extension of time by the At-
 20 torney General.

21 (b) *PHASE 2—IMPLEMENTATION GRANTS.*—

22 (1) *IN GENERAL.*—The Attorney General may
 23 make grants to eligible entities to implement policies,
 24 programs, or practices designed to help jurisdictions
 25 control growth in spending on corrections and in-

1 crease public safety (referred to in this Act as “Phase
2 2 grants”).

3 (2) *OBJECTIVES.*—*The purposes of the Phase 2*
4 *grants shall be for an eligible entity to—*

5 (A) *fund policies, programs, or practices*
6 *identified by prior data analysis and policy de-*
7 *velopment that provide training and technical*
8 *assistance, support the delivery of risk-reduction*
9 *programs, or otherwise enhance public safety and*
10 *improve offender accountability by strengthening*
11 *the criminal justice system;*

12 (B) *encourage reinvestment of averted pris-*
13 *on or jail costs into policies, programs, or prac-*
14 *tices that enhance public safety; and*

15 (C) *measure performance of policies, pro-*
16 *grams, or practices enacted or established under*
17 *subparagraphs (A) and (B).*

18 (3) *PROGRAMS.*—*The policies, programs, or*
19 *practices described by paragraphs (2)(A) and (2)(B)*
20 *may—*

21 (A) *provide training and technical assist-*
22 *ance, such as—*

23 (i) *training of corrections and commu-*
24 *nity corrections, judicial, substance abuse or*
25 *mental health staff and other key staff on*

1 *evidence-based practices for reducing recidi-*
2 *vism; or*

3 *(ii) training and technical assistance*
4 *to assist jurisdictions in implementing and*
5 *validating new risk and needs assessment*
6 *tools; or technical assistance to implement*
7 *evidence-based policies in corrections or*
8 *community corrections agencies;*

9 *(B) establish risk-reduction programs, such*
10 *as—*

11 *(i) substance abuse or mental health*
12 *treatment;*

13 *(ii) intermediate sanction programs*
14 *and facilities, including day reporting cen-*
15 *ters and electronic monitoring; or*

16 *(iii) other training or support pro-*
17 *grams aimed at reducing the risk of recidi-*
18 *vism;*

19 *(C) modify probation and parole policies to*
20 *reduce the number of rearrests, reconvictions,*
21 *and revocations of people on probation and pa-*
22 *role, to consider the safety of crime victims and*
23 *witnesses and to increase the number of success-*
24 *ful completions of probation and parole;*

1 (D) establish policies, programs, or prac-
 2 tices that will control growth in the prison and
 3 jail population and, as a result, better allocate
 4 resources and save costs; or

5 (E) establish comparable policies, programs,
 6 or practices that enhance public safety by
 7 strengthening the criminal justice system.

8 (4) *PERFORMANCE MEASUREMENT.*—The per-
 9 formance measures described by paragraph (2)(C)
 10 shall track key criminal justice trends across agencies
 11 and departments to measure the impact of the pro-
 12 grams described in paragraph (3), and include the
 13 following measurements where applicable:

14 (A) Reduction in rearrest, reconviction, and
 15 revocations of people currently on probation and
 16 parole.

17 (B) Increases in the number of successful
 18 completions of probation and parole.

19 (C) General crime trends.

20 (D) Prison and jail populations.

21 (5) *APPLICATIONS.*—To be eligible to receive a
 22 grant under this subsection, an eligible entity shall
 23 submit to the Attorney General an application, in
 24 such form and manner and at such time as specified
 25 by the Attorney General that includes a proposal that

1 describes how the grant will fulfill the objectives re-
2 quired by paragraph (2).

3 (6) *PRIORITY.*—The Attorney General, in award-
4 ing grants under this subsection, shall give priority
5 to eligible entities that demonstrate that—

6 (A) the proposed policies, programs, or
7 practices will improve public safety and control
8 growth in the prison and jail populations
9 through policies, programs, or practices that en-
10 sure that—

11 (i) violent offenders are incarcerated;

12 (ii) nonviolent offenders who pose a
13 minimal risk of harm to the community are
14 supervised through effective probation and
15 parole systems and provided with effective
16 risk-reduction programs; and

17 (iii) effective risk-reduction programs
18 are integrated into a new overall criminal
19 reinvestment strategy;

20 (B) the proposed policies, programs, or
21 practices will have a significant impact on the
22 geographic areas identified by the analysis as
23 having disproportionate numbers of people re-
24 turning from prison or jail; and

1 (C) *grant funds received under this sub-*
 2 *section will be used to implement the proposed*
 3 *policies, programs, or practices identified in an*
 4 *analysis conducted using a Phase 1 grant or*
 5 *through comparable work.*

6 (7) *FEDERAL SHARE.—*

7 (A) *IN GENERAL.—The Federal share of the*
 8 *cost of a project carried out using a grant made*
 9 *under this subsection shall be not more than 75*
 10 *percent.*

11 (B) *IN-KIND CONTRIBUTIONS.—*

12 (i) *IN GENERAL.—Subject to para-*
 13 *graph (B), the non-Federal share for a*
 14 *project carried out using a grant made*
 15 *under this subsection may be made in the*
 16 *form of in-kind contributions that are di-*
 17 *rectly related to the purpose for which the*
 18 *grant was made.*

19 (ii) *MAXIMUM PERCENTAGE.—Not*
 20 *more than 50 percent of the non-Federal*
 21 *share for a project carried out using a grant*
 22 *made under this subsection may be in the*
 23 *form of in-kind contributions.*

24 (c) *OVERSIGHT.—*

1 (1) *AUDIT REQUIREMENT.*—Beginning in fiscal
2 year 2012 and each fiscal year thereafter, the Inspec-
3 tor General of the Department of Justice shall conduct
4 an audit of not less than 10 percent of all grantees
5 awarded funding under this Act to prevent waste,
6 fraud, and abuse of funds by grantees.

7 (2) *MANDATORY EXCLUSION.*—A grantee award-
8 ed funds under this Act that is found to have an un-
9 resolved audit finding shall not be eligible for an
10 award of grant funds under this Act for the first fis-
11 cal year beginning after the 1-year period.

12 (3) *PRIORITY.*—In addition to the priorities
13 given to eligible entities under subsections (a)(5) and
14 (b)(6), the Attorney General, in awarding grants
15 under this Act, shall give priority to eligible entities
16 that, within the 3 fiscal years prior to submitting an
17 application for a grant under this Act, have not been
18 found to have an unresolved audit finding showing a
19 violation in the terms or conditions of a Department
20 of Justice grant program.

21 (4) *DEFINITION.*—In this subsection, the term
22 “unresolved audit finding” means an audit report
23 finding or recommendation that the grantee has uti-
24 lized grant funds for an unauthorized expenditure or
25 otherwise unallowable cost that is not closed or re-

1 *solved within a 1-year period beginning on the date*
 2 *of an initial notification of the finding or rec-*
 3 *ommendation.*

4 *(d) ANNUAL REPORT.—The Attorney General shall re-*
 5 *port to the Committees on the Judiciary of the Senate and*
 6 *the House of Representatives on November 1 of each year*
 7 *concerning the development and implementation of grants*
 8 *under this section and strategies developed, which shall in-*
 9 *clude information concerning—*

10 *(1) the number and identity of the grantees who*
 11 *have received analyses and program development*
 12 *grants;*

13 *(2) the progress of grantees in conducting anal-*
 14 *yses and program development;*

15 *(3) the number and identity of the grantees re-*
 16 *ceiving implementation grants;*

17 *(4) the progress of grantees in implementing*
 18 *criminal justice reinvestment strategies; and*

19 *(5) the performance of entities implementing*
 20 *criminal justice reinvestment strategies, including rel-*
 21 *evant data on—*

22 *(A) the reduction, if any, in the number of*
 23 *rearrests, reconvictions, and revocations of people*
 24 *currently on probation and parole;*

1 (B) the increase, if any, in the number of
2 successful completions of probation and parole;

3 (C) the reduction or stabilization, if any, of
4 the growth of the prison and jail population;

5 (D) the portion of averted costs, if any, that
6 has been or will be reinvested to reduce the rate
7 of rearrest, reconviction, and revocation to in-
8 crease public safety; and

9 (E) the reduction, if any, in rearrest rates
10 by people under the supervision of the criminal
11 justice system.

12 (e) *SHARING INFORMATION.*—The Attorney General
13 shall establish an information clearinghouse for data col-
14 lected and for best practices developed by eligible entities
15 receiving a grant under this section developed in carrying
16 out grants under this section.

17 (f) *ADMINISTRATION.*—Applications for grants shall be
18 considered on a rolling basis and be responded to in a time-
19 ly fashion in order to provide assistance to policymakers
20 facing various budget timelines.

21 (g) *GEOGRAPHIC DISTRIBUTION.*—The Attorney Gen-
22 eral shall ensure, to the extent reasonable and practical,
23 that grants awarded under this section are equitably dis-
24 tributed among the geographical regions and between urban
25 and rural populations, including Indian tribes.

1 (h) *ADMINISTRATIVE EXPENSES.*—Not more than 5
2 percent of funds authorized in subsection (i) per year may
3 be used by the Attorney General for salaries and Depart-
4 ment of Justice administrative expenses.

5 (i) *AUTHORIZATION OF APPROPRIATIONS.*—There are
6 authorized to be appropriated \$25,000,000 to carry out this
7 section for each of the fiscal years 2011 through 2015.

Calendar No. 328

11TH CONGRESS
2^D Session
S. 2772

A BILL

To establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety.

MARCH 22 (legislative day, MARCH 19), 2010
Reported with an amendment