

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 13862 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

2008—Par. (5). Pub. L. 110-177 added par. (5).

**§ 12223. Applications****(a) Eligibility**

In order to be eligible to receive a grant under this part<sup>1</sup> for any fiscal year, a State, Indian tribal, or local prosecutor, in conjunction with the chief executive officer of the jurisdiction in which the program will be placed, shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

**(b) Requirements**

Each applicant shall include—

(1) a request for funds for the purposes described in section 12222 of this title;

(2) a description of the communities to be served by the grant, including the nature of the youth crime, youth violence, and child abuse problems within such communities;

(3) assurances that Federal funds received under this part<sup>1</sup> shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section; and

(4) statistical information in such form and containing such information that the Attorney General may require.

**(c) Comprehensive plan**

Each applicant shall include a comprehensive plan that shall contain—

(1) a description of the youth violence or child abuse crime problem;

(2) an action plan outlining how the applicant will achieve the purposes as described in section 12222 of this title;

(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources; and

(4) a description of how the requested grant will be used to fill gaps.

(Pub. L. 103-322, title III, §31703, Sept. 13, 1994, 108 Stat. 1891.)

**Editorial Notes**

## REFERENCES IN TEXT

This part, referred to in subsecs. (a) and (b)(3), appearing in the original, is unidentifiable because subtitle Q of title III of Pub. L. 103-322 does not contain parts.

## CODIFICATION

Section was formerly classified to section 13863 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

<sup>1</sup> See References in Text note below.

**§ 12224. Allocation of funds; limitations on grants****(a) Administrative cost limitation**

The Attorney General shall use not more than 5 percent of the funds available under this program for the purposes of administration and technical assistance.

**(b) Renewal of grants**

A grant under this part<sup>1</sup> may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part,<sup>1</sup> subject to the availability of funds, if—

(1) the Attorney General determines that the funds made available to the recipient during the previous years were used in a manner required under the approved application; and

(2) the Attorney General determines that an additional grant is necessary to implement the community prosecution program described in the comprehensive plan required by section 12223 of this title.

(Pub. L. 103-322, title III, §31704, Sept. 13, 1994, 108 Stat. 1891.)

**Editorial Notes**

## REFERENCES IN TEXT

This part, referred to in subsec. (b), appearing in the original, is unidentifiable because subtitle Q of title III of Pub. L. 103-322 does not contain parts.

## CODIFICATION

Section was formerly classified to section 13864 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 12225. Award of grants**

The Attorney General shall consider the following facts in awarding grants:

(1) Demonstrated need and evidence of the ability to provide the services described in the plan required under section 12223 of this title.

(2) The Attorney General shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

(Pub. L. 103-322, title III, §31705, Sept. 13, 1994, 108 Stat. 1891.)

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 13865 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 12226. Reports****(a) Report to Attorney General**

State and local prosecutors that receive funds under this part shall submit to the Attorney General a report not later than March 1 of each year that describes progress achieved in carrying out the plan described under section 12223(c) of this title.

**(b) Report to Congress**

The Attorney General shall submit to the Congress a report by October 1 of each year in which

<sup>1</sup> See References in Text note below.

grants are made available under this part which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants, and an evaluation of programs established under this part.

(Pub. L. 103-322, title III, §31706, Sept. 13, 1994, 108 Stat. 1892.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 13866 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### § 12227. Definitions

In this part—

“Indian tribe” means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

“young violent offenders” means individuals, ages 7 through 22, who have committed crimes of violence, weapons offenses, drug distribution, hate crimes and civil rights violations, and offenses against personal property of another.

(Pub. L. 103-322, title III, §31708, Sept. 13, 1994, 108 Stat. 1892.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in text, is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

##### CODIFICATION

Section was formerly classified to section 13868 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### PART G—FAMILY UNITY DEMONSTRATION PROJECT

#### § 12241. Purpose

The purpose of this part is to evaluate the effectiveness of certain demonstration projects in helping to—

(1) alleviate the harm to children and primary caretaker parents caused by separation due to the incarceration of the parents;

(2) reduce recidivism rates of prisoners by encouraging strong and supportive family relationships; and

(3) explore the cost effectiveness of community correctional facilities.

(Pub. L. 103-322, title III, §31902, Sept. 13, 1994, 108 Stat. 1892.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 13881 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 subtitle S of title III of Pub. L. 103-322, which is classified to this part, as the “Family Unity Demonstration Project Act”, see section 31901 of Pub. L. 103-322, set out as a Short Title of 1994 Act note under section 10101 of this title.

#### § 12242. Definitions

In this part—

“child” means a person who is less than 7 years of age.

“community correctional facility” means a residential facility that—

(A) is used only for eligible offenders and their children under 7 years of age;

(B) is not within the confines of a jail or prison;

(C) houses no more than 50 prisoners in addition to their children; and

(D) provides to inmates and their children—

(i) a safe, stable, environment for children;

(ii) pediatric and adult medical care consistent with medical standards for correctional facilities;

(iii) programs to improve the stability of the parent-child relationship, including educating parents regarding—

(I) child development; and

(II) household management;

(iv) alcoholism and drug addiction treatment for prisoners; and

(v) programs and support services to help inmates—

(I) to improve and maintain mental and physical health, including access to counseling;

(II) to obtain adequate housing upon release from State incarceration;

(III) to obtain suitable education, employment, or training for employment; and

(IV) to obtain suitable child care.

“eligible offender” means a primary caretaker parent who—

(A) has been sentenced to a term of imprisonment of not more than 7 years or is awaiting sentencing for a conviction punishable by such a term of imprisonment; and

(B) has not engaged in conduct that—

(i) knowingly resulted in death or serious bodily injury;

(ii) is a felony for a crime of violence against a person; or

(iii) constitutes child neglect or mental, physical, or sexual abuse of a child.

“primary caretaker parent” means—