

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 Repealed.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 assistance 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 $\frac{2}{3}$ 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 “ $\frac{2}{3}$ ” 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.