

*Section-by-Section Analysis of the Second Chance Act:*

**Part I – Improvements to Existing Programs**

**Sec. 1. Short Title.**

This section names the short title of the act as the “Second Chance Act of 2007: Community Safety Through Recidivism Prevention”; or the “Second Chance Act of 2007.”

**Sec. 2. Table of Contents.**

This section includes a table of contents for the entire bill.

**Sec. 3. Findings.**

This section includes findings related to prisoner reentry.

**Sec. 4. Definition of an Indian Tribe.**

This section defines the term “Indian Tribe”.

**Sec. 5. Submission of Reports to Congress.**

This section requires the Department of Justice to submit to Congress an annual report by January 31<sup>st</sup> of each year on prisoner reentry programs.

**Sec. 6. Rule of Construction.**

This section provides a rule of statutory construction that states that no provision will create a right or entitlement to assistance or services for any individual, program or grant recipient and that all grants be made as competitive grants to eligible entities for a 12 month period, except grants in Sections 113, 201, 211 and 212, which may be made for a 24 month period. The rule also requires that services for participants, when necessary and appropriate, be transferred from programs funded under this Act to state and community service programs before the expiration of the grant.

**Title I – Amendments Related to the Omnibus Crime Control  
and Safe Streets Act of 1968**

**Subtitle A – Improvements to Existing Programs**

**Sec. 101. Reauthorization of Adult and Juvenile Offender State and Local Reentry Demonstration Projects**

This section reauthorizes existing State and local reentry demonstration projects. The reauthorization directs several improvements, including coordination among service providers, supervision services and Reentry Task Forces, and between State substance abuse agencies and criminal justice agencies. This section also adds or revises the allowable uses for the demonstration program funds to include: providing educational, literacy, vocational, and job placement services to facilitate reentry into the community; providing substance abuse treatment and services; providing coordinated supervision and comprehensive services for offenders upon release, including housing and mental and physical health care to facilitate reentry into the community (including coordinated reentry veteran-specific services for eligible veterans); providing programs that encourage offenders to develop safe, healthy, and responsible family relationships and parent-child relationships; use of mentors; providing victim-appropriate services; encouraging the timely and complete payment of restitution and fines by offenders to victims, and providing services such as security and counseling to victims upon release of offenders; use of validated assessment tools to assess the risk factors of returning inmates and developing or adopting procedures to ensure that dangerous felons are not released from prison prematurely.

The award of such grants will be subject to the following requirements that each applicant (1) have the support of the chief executive officer of the state/entity in coordination with a state-level council on reentry, local government or Indian tribe; (2) provide discussion of the role of corrections in ensuring successful reentry; (3) provide evidence of collaboration with state and local government agencies overseeing health, housing, child welfare, employment services and local law enforcement; (4) provide analysis and identification of regulatory and statutory hurdles to a prisoner's reintegration into the community; and (5) include the use of a reentry task force.

Each applicant must develop a comprehensive strategic reentry plan that contains annual and 5-year performance outcomes. Also, each applicant must identify specific performance outcomes related to the long-term goals of increasing public safety and reducing recidivism.

The section establishes a national resource center to collect data and best practices on adult and juvenile offender reentry from demonstration grantees and others agencies and organizations. The center will collect data, determine best practices, provide technical assistance and disseminate knowledge to the states and other relevant entities.

The Federal share of a grant received under this section may not exceed 50 percent of the project funded under such grant.

The recipient of a grant under this section may meet the matching requirement by making in-kind contributions of goods or services that are directly related to the purpose for which such grant was awarded.

The section authorizes funding of \$55 million for fiscal years 2009 and 2010.

**Sec. 102. Improvement of the Residential Substance Abuse Treatment for State Offenders Program**

This section amends the authorizing language for the Residential Substance Abuse Treatment(RSAT) program to require that States provide aftercare services in order to be eligible for funding under the RSAT program. Such after care programs may include case management services and a full continuum of support services. The section also requires that the Justice Department conduct a study and prepare a report on the effectiveness of aftercare services.

**Sec. 103. Definition of violent offender for drug court grant program.**

This section amends the definition of violent offender for drug court program participants.

**Sec. 104. Use of Violent Offender Truth-In-Sentencing Grant Funding for Demonstration Project Activities**

This section authorizes use of violent offender truth-in-sentencing grant funding under Section 20102(a) of the Violent Crime Control and Law Enforcement Act of 1994 for Offender Reentry Demonstration Projects.

**Subtitle B – New and Innovative Programs to Improve Offender Reentry Services**

**Sec. 111. State and Local Reentry Courts**

This section authorizes the creation of State and Local Reentry Courts. Such courts would monitor offenders and provide them with access to comprehensive reentry services and programs. An annual report requirement is included.

The Federal share of a grant received under this section may not exceed 50 percent of the project funded under such grant.

The recipient of a grant under this section may meet the matching requirement by making in-kind contributions of goods or services that are directly related to the purpose for which such grant was awarded.

This section authorizes funding at \$10 million for each fiscal year 2009 and 2010.

**Sec. 112. Prosecution Drug Treatment Alternative to Prison Programs**

This section authorizes grants to State and local prosecutors to develop and implement qualified drug treatment programs as alternatives for imprisonment, which require an eligible offender (non-violent offender) to participate in a comprehensive substance abuse treatment program. The offender would be subjected to a term of imprisonment if the prosecutor, in conjunction with the treatment provider, determines that the offender has not successfully completed the treatment

program. If the offender successfully completes the treatment program, the offender's criminal case may be dismissed.

The Federal share of a grant received under this section may not exceed 50 percent of the project funded under such grant.

The recipient of a grant under this section may meet the matching requirement by making in-kind contributions of goods or services that are directly related to the purpose for which such grant was awarded.

This section authorizes funding at \$10 million for each fiscal year 2009 and 2010.

**Sec. 113. Grants for family-based substance abuse treatment.**

This section authorizes grants to States, local governments, and Indian tribes to develop and implement comprehensive family-based substance abuse treatment programs as alternatives to incarceration for non-violent parent offenders and implement prison-based, family-based treatment programs for incarcerated parents who have minor children.

This section authorizes funding of \$10 million for each fiscal year 2009 and 2010.

**Sec. 114. Grant Program to Evaluate Educational Methods at Prisons, Jail, and Juvenile Facilities**

This section authorizes grants to State, local governments, Indian tribes and other public and private entities to evaluate and improve academic and vocational education for offenders in prison, jails and juvenile facilities, and then recommend to the Attorney General best practices for such educational programs.

This section authorizes funding of \$5 million for each fiscal year 2009 and 2010.

**Sec. 115. Technology Careers Training Demonstration Grants**

This section authorizes the Attorney General to make grants to States, local governments and Indian tribes to provide technology career training to prisoners.

This section authorizes funding of \$10 million for fiscal year 2009 and 2010.

## **Title II – Enhanced Drug Treatment and Mentoring Grant Programs**

### **Subtitle A – Drug Treatment**

#### **Sec. 201. Offender reentry substance abuse and criminal justice collaboration program.**

This section authorizes the Attorney General to make grants to States, local governments and Indian tribes to: (1) improve the provision of drug treatment to offenders in prisons, jails, and juvenile facilities; and (2) reduce 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 until the completion of parole or court supervision of such long term substance abuser.

This section authorizes \$15 million for each fiscal year 2009 and 2010.

### **Subtitle B—Mentoring**

#### **Sec. 211. Mentoring Grants to Nonprofit Organizations**

This section authorizes the Attorney General to make grants to nonprofit organizations to provide mentoring and other transitional services to adult and juvenile offenders reentering the community.

This section authorizes \$15 million for each fiscal year 2009 and 2010.

#### **Sec. 212. Responsible reintegration of ex-offenders.**

This section authorizes the Secretary of Labor to make grants to nonprofit organizations for transitional services to assist eligible people in obtaining and retaining employment in coordination with One-Stop partners established under the Workforce Investment Act of 1998. Grants under this section may not be used to provide substance abuse treatment services, mental health treatment services, or housing services. No more than 15 percent of amounts awarded to grantees may be used for administrative costs. Grantees must report to the Secretary of Labor on the results of services provided with respect rates of recidivism, entry into employment, retention of employment, average earnings, and any other additional indicators that the Secretary may require.

This section authorizes \$20 million for each fiscal year 2009 and 2010.

#### **Sec. 213. Bureau of Prisons Policy on Mentoring Contacts**

This section directs the Bureau of Prisons (BOP) to modify, within 90 days of enactment of this Act, its policies to ensure continued assistance by mentors to offenders after release from prison.

## **Sec. 214. Bureau of prisons policy on library materials.**

This section requires the Director of Bureau of Prisons to discontinue the Standardized Chapel Library Project and any other project that restricts access to materials made available at a library.

### **Subtitle C—Administration of Justice Reforms**

#### **Chapter 1—Improving Federal Offender Reentry**

## **Sec. 231. Federal prisoner reentry initiative.**

This section requires the Director of the Bureau of Prisons to establish a comprehensive prisoner reentry program to include the establishment of a Federal prisoner reentry strategy; and incentives for participation in skills development programs. This section requires the Director of Bureau of Prisons to: (1) assist prisoners in obtaining identification cards (e.g. social security, driver's license and birth certificates) prior to release from incarceration; (2) modify procedures and policies to provide improved reentry procedures for federal prisoners; (3) implement programs to increase the hiring of prisoners and to educate employers and the one-stop system regarding incentives for hiring former Federal, State, or local prisoners; (4) ensure that prisoners in community confinement facilities have access to necessary medical care, mental health care, and medicine through partnerships with local health service providers; (5) conduct a new pilot program through at least one BOP facility to permit release of certain non-violent offenders over the age of 65 under certain conditions in order to reduce prison overcrowding and medical care expenses; and (6) establish a satellite tracking program to promote effective reentry of high risk individuals.

This section authorizes funding of \$5 million per fiscal year for 2009 and 2010;

## **Sec. 232. Bureau of prisons policy on restraining of female prisoners.**

This section requires the Attorney General to submit a report to Congress no later than 1 year after enactment of this Act on the practices and policies of agencies within the Department of Justice who utilize physical restraints on pregnant female prisoners during pregnancy, labor, delivery of a child, or post-delivery recuperation. The report will include research on the number of instances in which physical restraints are used on female prisoners, the reasons for the use of the physical restraints, the length of time that the physical restraints were used, and the security concerns that justified the use of physical restraints.

### **Chapter 2—Reentry Research**

## **Sec. 241. Offender Reentry Research**

This section requires the National Institute of Justice and the Bureau of Justice Statistics to conduct research on offender reentry issues.

**Sec. 242. Grants to Study Parole or Post-Incarceration Supervision Violations and Revocations**

This section authorizes the Attorney General to award grants to States to evaluate parole and post-supervision procedures, the effectiveness of procedures for resolving violations of parole and supervision conditions, and what standards or procedures could be adopted to improve public safety.

**Sec. 243. Addressing the Needs of Children of Incarcerated Parents**

This section requires the Attorney General to study and develop best practices for communication and coordination between State criminal justice agencies and child welfare agencies to improve the safety and support of children of incarcerated parents, and to maintain the parent-child relationship when the parent is incarcerated as appropriate.

**Sec. 244. Study of Effectiveness of Depot Naltrexone for Heroin Addiction.**

This section authorizes the Attorney General, through the National Institute of Justice and in collaboration with the National Institute on Drug Abuse, to make grants to public and private research entities to evaluate the effectiveness of depot naltraxone for the treatment of heroin addiction.

**Sec. 245. Authorization of appropriations for research.**

Authorizes funding of \$10 million per fiscal year for 2009 and 2010 for reentry research (Sections 241, 242, 243 and 244).

**Chapter 3 - Correctional Reforms to Existing Law**

**Sec. 251. Clarification of Authority to Place Prisoner In Community Corrections**

This section clarifies existing procedures, and relaxes the maximum period for which an offender can be released into a community correctional facility, prior to release to the community, by affording the Director of the Bureau of Prisons the discretion to place an offender in a halfway house for up to 12 months prior to the release date for the offender.

This section also amends section 3561 of Title 18 to prohibit Federal judges from sentencing defendants to a community correction facility. The section reiterates that the Bureau of Prisons has sole and exclusive authority to designate the facility where prisoners will serve a sentence and to order a transfer from one facility to another. In addition, the Bureau of Prisons has the sole and exclusive authority to determine when and if a prisoner should be transferred or designated to a community correctional facility, which typically occurs near the end of the prisoner's sentence.

**Sec. 252. Residential Drug Abuse Program in Federal Prisons**

This section amends Section 3621(e)(5)(A) to strike material and replace a course of individual and group activities and treatment lasting at least 6 months in residential treatment apart from the general population.

**Sec. 253. Contracting for Services for Post-Conviction Supervision Offenders**

This section amends section 3672 of title 18 to authorize the Director of the Bureau of Prisons to contract with appropriate public and private agencies to provide offender reentry services.

**Chapter 4 – Miscellaneous Provisions**

**Sec. 261. Extension of national prison rape elimination commission.**

This section amends the Prison Rape Elimination Act of 2003 and extends the term of the National Prison Rape Elimination Commission from three years to four years.