

108TH CONGRESS
2D SESSION

S. 2977

To establish the Office of Community Justice Services within the Department of Justice, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 11, 2004

Ms. LANDRIEU introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish the Office of Community Justice Services within the Department of Justice, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Protecting Our Communities by Making Returning Of-
6 fenders Better Citizens Act of 2004”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—OFFICE OF COMMUNITY JUSTICE SERVICES

Sec. 101. Establishment of Office of Community Justice Services.
 Sec. 102. National Offender Reentry Initiative Clearinghouse.

TITLE II—GRANT PROGRAMS

Sec. 201. Reentry preparation grants.
 Sec. 202. Transition to community grants.
 Sec. 203. Community-based supervision and support grants.
 Sec. 204. Administrative provisions.

TITLE III—CIVIC EDUCATION FOR REENTERING FEDERAL PRISONERS

Sec. 301. Civic education for reentering Federal prisoners.

TITLE IV—GRANTS FOR RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE

Sec. 401. Grants for research, training, and technical assistance.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

Sec. 501. Authorization of appropriations.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) More than 2,000,000 people are incarcerated
 4 ated in Federal or State prisons and local jails in
 5 the United States.

6 (2) Of the individuals now in prison, 97 percent
 7 will eventually be released back into American com-
 8 munities. More than 630,000 of these inmates are
 9 released into the Nation's communities every year.

10 (3) The Bureau of Justice Statistics has found
 11 that 67.5 percent of prisoners released from incar-
 12 ceration in 1994 were rearrested within 3 years.

13 (4) Many of the men and women who will leave
 14 prison and jail each year have a variety of substance
 15 abuse disorders, low levels of education and job

1 training, face significant barriers to employment,
2 and lack housing upon their release.

3 (5) Felony convictions can also disqualify re-
4 leased offenders from voting and other rights. Under
5 some State laws, these disqualifications can be per-
6 manent. While many States allow for the restoration
7 of voting and civic rights to ex-offenders, this infor-
8 mation is not routinely given to ex-offenders upon
9 their release.

10 (6) Returning offenders have significant edu-
11 cational needs. Fewer than one-half of released pris-
12 oners have a high school education. Studies have
13 found that approximately one-third of prisoners can-
14 not locate an intersection on a street map; one-third
15 cannot explain in writing a billing error; and only 1
16 in 20 can determine which bus to take from a sched-
17 ule.

18 (7) State and local governments have not been
19 able to maintain prison education programs in the
20 face of a prison population that has doubled in the
21 past decade. As a result, according to the National
22 Institute for Literacy, the percentage of prisoners
23 participating in correctional education programs is
24 declining.

1 (8) The United States Department of Edu-
2 cation found that participation in correctional edu-
3 cation programs lowers the likelihood of reincarcer-
4 ation by 29 percent, and the Federal Bureau of
5 Prisons found a 33 percent drop in recidivism
6 among Federal prisoners who participate in voca-
7 tional and apprenticeship training.

8 (9) According to the National Institute of Jus-
9 tice, 60 percent of formerly incarcerated individuals
10 are unemployed after 1 year of release. Unemploy-
11 ment can contribute to the likelihood of repeating
12 criminal conduct.

13 (10) Formerly incarcerated individuals face
14 unique barriers in the job market. They may be le-
15 gally disqualified from certain types of employment
16 and barred by law from obtaining professional li-
17 censes in fields such as cosmetology, transportation,
18 and home health care.

19 (11) Research has found that job training and
20 placement programs for ex-offenders increase the
21 employment of offenders and reduce recidivism.

22 (12) Drug and alcohol abuse is a persistent
23 concern at every stage of the criminal justice proc-
24 ess. Eighty-one percent of State prisoners, 81 per-
25 cent of Federal prisoners, and 77 percent of local

1 jail inmates have alcohol and drug abuse problems,
2 or were under the influence of alcohol or drugs when
3 they committed their offenses. However, only 13 per-
4 cent of these inmates receive drug and alcohol treat-
5 ment while they are incarcerated according to the
6 Office of National Drug Control Policy.

7 (13) Substance abuse treatment has been prov-
8 en to reduce drug use, recidivism, unemployment,
9 and homelessness, according to several studies, and
10 every dollar invested in substance abuse treatment
11 saves taxpayers \$7.46 in other social costs.

12 (14) Many offenders are released back into the
13 community without having a place to call home. Sev-
14 eral studies have found that many prisoners expect
15 to go to homeless shelters upon release.

16 (15) A number of barriers exist to offenders
17 getting adequate shelter upon release. Most offend-
18 ers do not have enough money at the time of release
19 to rent an apartment and landlords typically are re-
20 luctant to rent to former offenders. Some ex-offend-
21 ers are prohibited from living in public housing be-
22 cause of their criminal records.

23 (16) The Bureau of Justice Statistics estimates
24 that 1,500,000 children in the United States had a
25 parent in a Federal or State prison in 1999. In ad-

1 dition, over 7,000,000 children have a parent under
2 some sort of correctional supervision.

3 (17) Children of incarcerated parents face so-
4 cial stigma because of their parents' criminal status.
5 This can cause problems in school, low self-esteem,
6 aggressive behavior, and other emotional dysfunc-
7 tion.

8 (18) The reunification of ex-offenders and their
9 families can cause family stress. In some cases, the
10 ex-offender is not welcome in the home and many
11 ex-offenders have difficulty readjusting to family life.

12 (19) Studies show that ex-offenders adjust bet-
13 ter to family life when their families receive com-
14 prehensive support services. These services can also
15 reduce juvenile delinquency, antisocial behavior, and
16 recidivism rates.

17 **SEC. 3. DEFINITIONS.**

18 In this Act, the following definitions shall apply:

19 (1) **DIRECTOR.**—The term “Director” means
20 the Director of the Office of Community Justice
21 Services of the Department of Justice, as established
22 under section 101.

23 (2) **NONGOVERNMENTAL ENTITIES.**—The term
24 “nongovernmental entities” means any nonprofit or-
25 ganizations, community corrections organizations,

1 faith-based organizations, social service organiza-
2 tions, behavioral healthcare agencies, neighborhood
3 or community-based organizations, and other entities
4 that are not part of a State or local government.

5 (3) PROVEN EFFECTIVENESS.—The term
6 “proven effectiveness” means that a program,
7 project, approach, or practice has been shown by a
8 credible analysis of performance and results to make
9 a significant contribution to the accomplishment of
10 the objectives for which it is undertaken, or to have
11 a significant effect in improving the conditions iden-
12 tified with the problem to which it is addressed.

13 (4) STATE OR LOCAL CORRECTIONS AGEN-
14 CIES.—The term “State or local corrections agen-
15 cies” means the responsible agencies for the impris-
16 onment or incarceration of offenders, or community
17 corrections supervision, in any State of the United
18 States, the District of Columbia, the Commonwealth
19 of Puerto Rico, the Virgin Islands, American Samoa,
20 Guam, Indian tribal governments, and the Northern
21 Mariana Islands, or any political subdivision thereof
22 that performs corrections functions, including any
23 agency of the Federal Government that performs
24 corrections functions for the District of Columbia, or
25 any trust territory of the United States.

1 (5) STATE OR LOCAL PAROLE OR PROBATION
 2 AGENCIES.—The term “State or local parole or pro-
 3 bation agencies” means the responsible agencies for
 4 determining or supervising early release of reen-
 5 tering offenders or the supervision of reentering of-
 6 fenders in any State of the United States, the Dis-
 7 trict of Columbia, the Commonwealth of Puerto
 8 Rico, the Virgin Islands, American Samoa, Guam,
 9 Indian tribal governments, and the Northern Mar-
 10 iana Islands, or any political subdivision thereof that
 11 performs parole or probation functions, including
 12 any agency of the Federal Government that per-
 13 forms these functions for the District of Columbia,
 14 or any trust territory of the United States.

15 **TITLE I—OFFICE OF**
 16 **COMMUNITY JUSTICE SERVICES**

17 **SEC. 101. ESTABLISHMENT OF OFFICE OF COMMUNITY JUS-**
 18 **TICE SERVICES.**

19 (a) IN GENERAL.—There is established within the
 20 Department of Justice the Office of Community Justice
 21 Services, which shall be headed by a Director appointed
 22 by the Attorney General from among persons who have
 23 experience in corrections, parole, probation, or related
 24 matters, or in providing transitional services to offenders
 25 who are returning to their home communities.

1 (b) DUTIES.—The Director shall—

2 (1) develop and administer programs for grants
3 to State or local corrections agencies, State or local
4 parole and probation agencies, community correc-
5 tions agencies, and nongovernmental entities in ac-
6 cordance with this Act, for the purposes of preparing
7 incarcerated persons for reentry into the community,
8 or to assist reentering offenders in their transition
9 back into the community; and

10 (2) make grants to nongovernmental entities
11 that have experience and expertise in providing such
12 services.

13 **SEC. 102. NATIONAL OFFENDER REENTRY INITIATIVE**
14 **CLEARINGHOUSE.**

15 (a) GRANT AUTHORIZED.—

16 (1) IN GENERAL.—The Director of the Office of
17 Community Justice Services may award a grant to
18 an eligible organization to establish a National Of-
19 fender Reentry Initiative Clearinghouse.

20 (2) DURATION.—The grant awarded under
21 paragraph (1) shall be for a period not to exceed 5
22 years.

23 (b) USE OF FUNDS.—The grant awarded under sub-
24 section (a) may be used—

1 (1) for education, training, and technical assist-
2 ance on offender reentry for States, units of local
3 government, corrections agencies, parole and proba-
4 tion agencies, and nongovernmental entities;

5 (2) to collect data on best practices from enti-
6 ties receiving a grant under this Act, and from other
7 agencies and organizations;

8 (3) to disseminate best practices to States,
9 units of local government, corrections agencies, pa-
10 role and probation agencies, and nongovernmental
11 entities; and

12 (4) to assist State and units of local govern-
13 ment to identify barriers to successful offender re-
14 entry.

15 (c) APPLICATION.—Each eligible organization desir-
16 ing the grant under this section shall submit an applica-
17 tion to the Director at such time, in such manner, and
18 containing such information as the Director may reason-
19 ably require.

20 (d) ELIGIBLE ORGANIZATIONS.—A national non-
21 profit organization may apply for the grant under this sec-
22 tion if the organization has experience in providing tech-
23 nical assistance, training, and research on offender reentry
24 programs for States, units of local government, corrections
25 agencies, and parole and probation agencies.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as may be
3 necessary for fiscal years 2005 through 2009 to carry out
4 the provisions of this section.

5 **TITLE II—GRANT PROGRAMS**

6 **SEC. 201. REENTRY PREPARATION GRANTS.**

7 (a) IN GENERAL.—The Director shall award grants,
8 for a term of not more than 5 years, to State or local
9 corrections agencies to provide services to incarcerated
10 persons, in accordance with the requirements of this sec-
11 tion.

12 (b) USE OF FUNDS.—Grant funds awarded under
13 subsection (a) may be used for—

14 (1) education programs, such as high school
15 equivalency degrees, basic literacy training, civic
16 education, and educational diagnostic services for in-
17 carcerated persons;

18 (2) mental health and substance abuse assess-
19 ment and treatment programs, including anger man-
20 agement programs, for incarcerated persons;

21 (3) job and vocational skills training for incar-
22 cerated persons;

23 (4) mentoring programs for incarcerated per-
24 sons;

1 (5) programs, services, and the construction of
2 facilities to promote healthy family bonds, such as
3 family counseling centers and services, telecommuni-
4 cations services for incarcerated parents to commu-
5 nicate with their children, and family friendly vis-
6 iting areas;

7 (6) information programs that meet the re-
8 quirements of subsection (e); and

9 (7) any other program or service that is part of
10 a comprehensive offender reentry plan designed to
11 prepare incarcerated persons for their future return
12 to the community-at-large.

13 (c) PARTNERSHIP APPLICATIONS.—Each State or
14 local corrections agency may apply for a grant in coopera-
15 tion with, or contract with upon receiving a grant under
16 this section, nonprofit organizations, faith-based organiza-
17 tions, and nongovernmental entities to develop and provide
18 innovative approaches that will allow incarcerated persons
19 access to the services described under paragraphs (1)
20 through (6) of subsection (b).

21 (d) PRIORITY.—Priority in the award of grants shall
22 be given to those State or local correctional agencies that
23 propose partnership applications as described under sub-
24 section (c) to develop innovative strategies, as determined

1 by the Director, to deliver the services described under
2 paragraphs (1) through (6) of subsection (b).

3 (e) INFORMATION.—Each State corrections agency,
4 or State parole or probation agency, receiving a grant
5 under this section shall provide each incarcerated person
6 with written information, in plain and simple wording, on
7 how that person can restore—

8 (1) voting rights within the State in which the
9 person will be released; and

10 (2) any other civil or civic rights or public bene-
11 fits denied to the incarcerated person under the law
12 of the State due to their status as an offender.

13 **SEC. 202. TRANSITION TO COMMUNITY GRANTS.**

14 (a) IN GENERAL.—The Director shall award grants,
15 for a term of not more than 5 years, to consortiums of
16 State or local correctional agencies, and State or local pa-
17 role or probation agencies, for the purposes of providing
18 services to incarcerated persons, who have not more than
19 1 year remaining of their sentence, or released offenders,
20 not later than 18 months after being released, that will
21 facilitate the reentry of such persons into the community,
22 in accordance with the requirements of this section.

23 (b) USE OF FUNDS.—Grants awarded under sub-
24 section (a) shall be used for—

1 (1) education programs, such as high school
2 equivalency degrees, basic literacy training, civic
3 education, and educational diagnostic services;

4 (2) mentoring programs;

5 (3) life skills training, including family support
6 services;

7 (4) mental health and substance abuse assess-
8 ment and treatment programs, including aftercare
9 programs, intensive case management, and anger
10 management programs;

11 (5) job and vocational skills training, including
12 paid work experience programs;

13 (6) information programs that meet the re-
14 quirements of subsection (e); and

15 (7) such other services and programs that are
16 part of a comprehensive offender reentry plan de-
17 signed to assist incarcerated persons or reentering
18 offenders in reentering the community.

19 (c) PARTNERSHIP APPLICATIONS.—Each applicant
20 for a grant under this section may apply for such grant
21 in cooperation with, or contract with upon receiving a
22 grant, any nongovernmental entities to develop or provide
23 innovative approaches to the services described under
24 paragraphs (1) through (5) of subsection (b).

1 (d) PRIORITY.—Priority in the award of grants shall
2 be given to those State or local correctional agencies, or
3 State or local parole or probation agencies that propose
4 partnership applications as described under subsection (c)
5 to develop innovative strategies, as determined by the Di-
6 rector, to deliver the services described under paragraphs
7 (1) through (5) of subsection (b).

8 (e) INFORMATION.—Each recipient of a grant under
9 this section shall provide each incarcerated person or reen-
10 tering offender with written information, in plain and sim-
11 ple wording, on how that person can restore—

12 (1) voting rights within the State in which the
13 person will be released; and

14 (2) any other civil or civic rights or public bene-
15 fits denied to the incarcerated person under the law
16 of the State due to their status as an offender.

17 **SEC. 203. COMMUNITY-BASED SUPERVISION AND SUPPORT**
18 **GRANTS.**

19 (a) IN GENERAL.—The Director shall award grants,
20 for a term of not more than 5 years, to State or local
21 parole and probation agencies to provide reentering of-
22 fenders with services to help such reentering offenders
23 with their transition into the community.

24 (b) USE OF FUNDS.—Grant funds awarded under
25 this section may be used for—

1 (1) the development or support of parole and
2 probation programs designed to increase coordina-
3 tion between parole officers and social service pro-
4 viders;

5 (2) the establishment of parole and probation
6 offices located within areas in which a substantial
7 number of incarcerated persons shall live;

8 (3) the development of joint parole, probation,
9 and local law enforcement monitoring programs;

10 (4) the provision of comprehensive family case
11 management services to assist families of reentering
12 offenders;

13 (5) the funding of research and analysis de-
14 signed to allow State parole and probation agencies
15 to identify and determine which locations and neigh-
16 borhoods see the largest number of reentering of-
17 fenders establishing residency;

18 (6) the development of programs that encour-
19 age collaboration between parole and probation
20 agencies, and job training programs that serve peo-
21 ple with criminal records, including transitional jobs
22 programs;

23 (7) the development of geographic-based case-
24 load management systems by State parole and pro-
25 bation agencies for monitoring reentering offenders;

1 (8) information programs that meet the re-
2 quirements of subsection (f); and

3 (9) services and programs that have proven ef-
4 fectiveness in helping reentering offenders transition
5 back into life in the community, including transi-
6 tional housing and mental health and substance
7 abuse treatment services offered as part of a com-
8 prehensive offender reentry plan.

9 (c) PARTNERSHIP APPLICATIONS.—A State or local
10 parole or probation agency applying for a grant under this
11 section may, in order to carry out the purposes of this
12 section, contract or partner with—

13 (1) nongovernmental entities with expertise in
14 services that can assist reentering offenders in relo-
15 cating into a community and their families; and

16 (2) State and local government agencies that
17 administer programs or provide services to released
18 offenders, such as child welfare, workforce develop-
19 ment agencies, and community corrections agencies.

20 (d) PRIORITY.—Priority in the award of grants shall
21 be given to those State or local parole or probation agen-
22 cies that propose partnership applications as described
23 under subsection (c) to develop innovative strategies, as
24 determined by the Director, to deliver the services de-

1 scribed under paragraphs (1) through (7) of subsection
2 (b).

3 (e) LIMITATION.—To receive a grant under this sec-
4 tion, each State parole and probation agency shall dem-
5 onstrate coordination with Federal or State corrections of-
6 ficials in determining where reentering offenders shall be
7 released.

8 (f) INFORMATION.—Each recipient of a grant under
9 this section shall provide each reentering offender with
10 written information, in plain and simple wording, on how
11 that person can restore—

12 (1) voting rights within the State in which the
13 person is being released; and

14 (2) any other civil or civic rights or public bene-
15 fits denied to the reentering offender under the law
16 of the State due to their status as an offender.

17 **SEC. 204. ADMINISTRATIVE PROVISIONS.**

18 (a) APPORTIONMENT OF GRANT FUNDING.—Of the
19 amounts appropriated to carry out the purposes of this
20 Act—

21 (1) not less than 70 percent shall be made
22 available to carry out the purposes of sections 201,
23 202, and 203; and

24 (2) up to 30 percent shall be made available to
25 carry out the purposes of subsection (c).

1 (b) MATCHING FUNDS.—

2 (1) IN GENERAL.—The Federal share of any
3 program, project, or activity funded by a grant made
4 under section 201, 202, or 203 shall not exceed 75
5 percent of the total cost of such program, project, or
6 activity.

7 (2) WAIVER.—The Attorney General may, in
8 the sole discretion of the Attorney General, waive
9 the requirements of paragraph (1) in whole or in
10 part.

11 (c) DISCRETIONARY GRANTS.—

12 (1) IN GENERAL.—The Director shall award
13 grants, for a term of not more than 5 years, on a
14 competitive basis, to State or local correctional agen-
15 cies, State or local parole or probation agencies, and
16 nongovernmental entities for community protection
17 programs.

18 (2) USE OF FUNDS.—Grant funds awarded
19 under paragraph (1) shall be used to—

20 (A) fund multiyear demonstration pro-
21 grams designed to reduce recidivism and parole
22 violations, and the recipients of a grant may
23 contract with organizations to conduct any nec-
24 essary research with respect to the program;
25 and

1 (B) allow State task forces to conduct an
2 analysis of existing State statutory, regulatory,
3 and practice-based hurdles to the reintegration
4 of a prisoner into the community that—

5 (i) takes particular note of laws, regu-
6 lations, rules, and practices that disqualify
7 people with criminal records from obtain-
8 ing drivers licenses, professional licenses,
9 or other requirements necessary for certain
10 types of employment, and that hinder full
11 civic participation; and

12 (ii) identifies and recommends for re-
13 peal or modification those laws, regula-
14 tions, rules, or practices that do not dem-
15 onstrate a rational connection between the
16 existing statutory or regulatory prohibi-
17 tion, the type of conviction, and the risk
18 that the individual may pose to the com-
19 munity.

20 (3) APPLICATION.—Any State or local correc-
21 tional agency or State or local parole or probation
22 agency wishing to receive a grant under paragraph
23 (1) shall submit to the Director an application set-
24 ting forth a description of the planned demonstra-

1 tion program. The Director shall establish guidelines
2 for assessing such applications.

3 (d) SUBMISSION OF INFORMATION.—Prior to the dis-
4 tribution of grant funds under section 201, 202, or 203,
5 each State shall submit to the Director a description of
6 the activities to be carried out using such grant funds.

7 (e) NONSUPPLANTING REQUIREMENT.—Funds made
8 available under this title shall not be used to supplant
9 State or local funds, but shall be used to increase the
10 amount of funds that would, in the absence of Federal
11 funds received under this title, be made available from
12 State or local sources.

13 (f) PERFORMANCE EVALUATIONS.—Selected grant
14 recipients shall be evaluated pursuant to guidelines estab-
15 lished by the Director.

16 (g) REVOCATION OR SUSPENSION OF FUNDING.—If
17 the Director determines that a grant recipient under this
18 title is not in substantial compliance with the terms and
19 requirements of an approved grant application submitted
20 under this title, the Director may revoke or suspend fund-
21 ing of that grant, in whole or in part.

1 **TITLE III—CIVIC EDUCATION**
2 **FOR REENTERING FEDERAL**
3 **PRISONERS**

4 **SEC. 301. CIVIC EDUCATION FOR REENTERING FEDERAL**
5 **PRISONERS.**

6 (a) IN GENERAL.—Not later than 3 months after the
7 date of enactment of this Act, the Bureau of Prisons of
8 the Department of Justice shall provide each reentering
9 offender released from Federal prisons information on how
10 the reentering offender can restore voting rights, and
11 other civil or civic rights, denied to the reentering offender
12 based upon their offender status in the State to which that
13 reentering offender shall be returning.

14 (b) PUBLICATION.—The information required under
15 subsection (a) shall be provided to each reentering of-
16 fender in writing, and in a language that the reentering
17 offender can understand.

18 **TITLE IV—GRANTS FOR RE-**
19 **SEARCH, TRAINING, AND**
20 **TECHNICAL ASSISTANCE**

21 **SEC. 401. GRANTS FOR RESEARCH, TRAINING, AND TECH-**
22 **NICAL ASSISTANCE.**

23 Up to 5 percent of the funds made available under
24 this Act may be used for research, technical assistance,

1 and training carried out or commissioned by the Attorney
2 General in furtherance of the purposes of this Act.

3 **TITLE V—AUTHORIZATION OF**
4 **APPROPRIATIONS**

5 **SEC. 501. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated to carry out
7 the purposes of titles II and III of this Act—

- 8 (1) \$75,000,000 for fiscal year 2005;
9 (2) \$150,000,000 for fiscal year 2006;
10 (3) \$325,000,000 for fiscal year 2007;
11 (4) \$450,000,000 for fiscal year 2008; and
12 (5) \$500,000,000 for fiscal year 2009.

○