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H.P. 1157

House of Representatives, April 22, 2021

**An Act To Provide Reentry Services to Persons Reentering the
Community after Incarceration**

Received by the Clerk of the House on April 20, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TALBOT ROSS of Portland.
Cosponsored by Representatives: EVANS of Dover-Foxcroft, HARNETT of Gardiner,
PLUECKER of Warren, RECKITT of South Portland, WARREN of Hallowell, Senator:
CARNEY of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 34-A MRSA §3036-C** is enacted to read:

3 **§3036-C. Community-based reentry services and public safety programs**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Account" means the Community-based Reentry Services Account established in
7 subsection 2.

8 B. "Participant" means an adult or juvenile reentering a community after incarceration
9 who has applied for or is receiving reentry services from a reentry service provider.

10 C. "Reentry service provider" means a community-based nonprofit or faith-based
11 organization that provides or seeks to provide reentry services.

12 D. "Reentry services" means services provided to an adult or juvenile to facilitate the
13 adult's or juvenile's reentry into a community after incarceration, including social
14 services, mentoring, housing placement, case management, occupational and
15 educational services, behavioral health treatment, substance use disorder treatment,
16 family reunification and medical care services.

17 **2. Community-based Reentry Services Account.** The Community-based Reentry
18 Services Account is established as a special account within the department. The Legislature
19 shall annually appropriate funds to the account for the purposes of this section, and all
20 funds appropriated and all grants and other funds received by the department in accordance
21 with subsection 3, paragraph A must be credited to the account. Unexpended funds in the
22 account may not lapse, but must carry forward into the next fiscal year to be expended for
23 the purposes of this section.

24 **3. Funding; use of funds.** The department shall obtain funding for the account and
25 distribute those funds, as available, in accordance with this subsection.

26 A. The department shall apply for any federal or other grants or funding sources,
27 including those available through the federal Second Chance Act of 2007 under 34
28 United States Code, Chapter 605, that would allow the purposes of this section to be
29 carried out. The department may transfer other available funds to the account.

30 B. The department shall use the available funds in the account to award grants to one
31 or more reentry service providers to establish or provide reentry services, including:

32 (1) Assessment and planning of reentry services, including the development and
33 implementation of a reentry plan for a participant identifying the participant's
34 natural strengths, family and community connections, risk factors,
35 accomplishments, goals for community life and improvements in the participant's
36 well-being;

37 (2) Individual case management or system navigation services, including outreach,
38 orientation, intake, assessments, goal planning, resource referral and counseling;

39 (3) Peer-to-peer mentoring, including intentional peer specialists certified by the
40 Department of Health and Human Services' office of behavioral health, trained
41 substance use disorder recovery coaches, support services and other traditional
42 services essential to a participant's reentry into the community, which may be

1 provided by an individual who provided mentoring services to the participant
2 during the participant's incarceration, unless the department demonstrates that this
3 would present a significant security risk to the participant, the mentor or any other
4 individual;

5 (4) Assistance finding, securing and maintaining safe and affordable housing,
6 including landlord-tenant communication, conflict resolution and financial support
7 for security deposits, rent, utility payments and purchase of necessary household
8 items;

9 (5) Acquiring, rehabilitating, constructing or leasing housing units to provide safe,
10 affordable and secure housing opportunities to participants;

11 (6) Job training and job placement services, including employment search
12 assistance, job referrals, work readiness activities, vocational certification,
13 licensure, educational services and basic skills remediation, occupational skills
14 training, on-the-job training, post-placement support and connection to existing
15 state and federal workforce services, businesses and educational institutions;

16 (7) Medical care assessment and treatment and behavioral health treatment and
17 support, including referral to mental health assessment and treatment, group and
18 social supports, drug and alcohol testing and substance use disorder assessment
19 from a substance use disorder professional who is approved by the State or a
20 federally recognized Indian tribe and licensed by the appropriate entity to provide
21 alcohol and drug addiction treatment, as appropriate, and treatment from a provider
22 that is approved by the State or a federally recognized Indian tribe and licensed, if
23 necessary;

24 (8) Parenting skills and family support services, family support groups, kinship
25 support services, educational and social-emotional support services, domestic
26 violence intervention programs and family reunification services, as appropriate;

27 (9) Development of a substance use disorder treatment program as an alternative
28 to incarceration for primary caregivers, including the implementation and
29 expansion of clinically appropriate substance use disorder treatment programs and
30 providing reentry services, including aftercare and case management services, to
31 families;

32 (10) Organizing community impact panels, victim impact panels or victim impact
33 educational classes; and

34 (11) Personal financial training, including financial coaching from trained
35 financial coaches, credit report searches, budgeting, saving, bill management and
36 entrepreneurship, both during and after incarceration.

37 **4. Grant application and eligibility.** To be eligible for a grant under this section, a
38 reentry service provider must submit to the department an application that adequately:

39 A. Describes the reentry services program for which the reentry service provider seeks
40 funding under this section and the need for the program;

41 B. Describes a long-term strategy and detailed implementation plan for the reentry
42 services program, including the geographical area to be served;

1 C. Identifies any other entity the reentry service provider will coordinate or partner
2 with, including any governmental agency, community organization or faith
3 community;

4 D. Identifies the reentry service provider's experience working with participants and
5 individuals from marginalized populations, including African-American and
6 indigenous persons and people of color, individuals with disabilities, low-income
7 households and gay, lesbian, bisexual, transgender and nonbinary gender individuals;

8 E. Includes an annual budget for all operational, administrative and service expenses
9 necessary to establish, implement and operate the reentry services program; and

10 F. Describes the method and outcome measures that the reentry service provider will
11 use to evaluate the reentry services program.

12 **5. Rulemaking.** The department shall adopt rules in consultation with appropriate
13 community stakeholders, including representatives from communities of color, for the
14 administration of the account, evaluation of grant applications and distribution of grants
15 from the account in accordance with this section. The department shall adopt rules
16 requiring a participant in a substance use disorder treatment program as an alternative to
17 incarceration, as described in subsection 3, paragraph B, subparagraph (9), who does not
18 successfully complete the program to serve an appropriate sentence of imprisonment with
19 respect to the participant's underlying crime and requiring that the participant be notified
20 of this requirement before the participant enters into a program. Rules adopted pursuant to
21 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter
22 2-A.

23 **6. Annual report.** A reentry service provider that receives a grant under this section
24 shall submit to the department a report for each fiscal year in which funds from the grant
25 are expended, at the time and in the manner as the department may reasonably require. The
26 report must contain:

27 A. A summary of the activities carried out under the reentry services program assisted
28 by the grant;

29 B. An assessment of whether the reentry service provider is meeting the need for the
30 reentry services program identified in the application submitted under subsection 4;
31 and

32 C. Any other information the department may require.

33 **7. Report on recidivism outcomes.** The commissioner shall, at the end of each fiscal
34 year, submit a report to the joint standing committee of the Legislature having jurisdiction
35 over criminal justice and public safety matters and the Governor assessing the impact of
36 the reentry services funded through the account and containing statistics on the relative
37 reduction in recidivism for inmates released by the department within that fiscal year and
38 the 4 prior fiscal years.

39 A. The report must assess the impact of reentry services funded through the account
40 on public safety and on participants' access to community resources and employment,
41 housing access and stability, individual health and social-emotional well-being and
42 other appropriate measures of community integration.

1 B. The report must compare the recidivism rates of participants in reentry services
2 programs that received grants under this section with inmates who did not participate
3 in reentry services programs. The data must be disaggregated by race and gender and
4 compiled separately for each fiscal year.

5 C. The commissioner shall, in consultation with outside experts, select a measure for
6 recidivism, such as rearrest, reincarceration or any other valid, evidence-based measure
7 that the commissioner considers appropriate and that is consistent with prevailing
8 national research methodologies.

9 **SUMMARY**

10 This bill:

11 1. Establishes the Community-based Reentry Services Account as a special nonlapsing
12 account within the Department of Corrections to issue grants to community-based nonprofit
13 and faith-based organizations that provide or seek to provide reentry services to adults or
14 juveniles reentering the community after incarceration, referred to as reentry service
15 providers;

16 2. Requires the department to administer the Community-based Reentry Services
17 Account and fund it by applying for federal and grant funding, including through the federal
18 Second Chance Act of 2007, or transferring other available funds;

19 3. Requires the department to use the funds available in the Community-based Reentry
20 Services Account to award grants to one or more reentry service providers to establish or
21 provide reentry services programs, including assessment and planning of reentry services;
22 individual case management or system navigation services; peer-to-peer mentoring;
23 housing assistance; housing development; job training and placement services; medical and
24 behavioral health assessment, treatment and support; parenting skills and family support
25 services; development of a substance use disorder treatment program as an alternative to
26 incarceration for primary caregivers; and organization of community and victim impact
27 panels or educational classes;

28 4. Permits an individual who previously provided mentoring services to an
29 incarcerated adult or juvenile to continue to provide mentoring services to that adult or
30 juvenile as part of a reentry services program unless the department demonstrates that doing
31 so poses a significant security risk to the individual, the adult or juvenile or any other
32 individual;

33 5. Requires a reentry service provider to submit an application to the department that
34 describes the reentry services program to be funded and the need for the program, a long-
35 term strategy and implementation plan for the program and the reentry service provider's
36 experience working with formerly incarcerated individuals and individuals from
37 marginalized communities; identifies any entity, including any governmental agency,
38 community organization or faith community, the reentry service provider will coordinate
39 or partner with; contains an annual budget for the program; and describes the method and
40 outcome measures that the reentry service provider will use to evaluate the reentry services
41 program;

1 6. Requires the department to adopt rules for the administration of the Community-
2 based Reentry Services Account, the evaluation of grant applications from reentry service
3 providers and the distribution of grants from the account;

4 7. Requires the department to adopt rules requiring an individual participating in a
5 substance use disorder treatment program who does not successfully complete the program
6 to serve an appropriate sentence of imprisonment with respect to the underlying crime and
7 requiring that the individual be notified of this requirement before the individual begins the
8 program;

9 8. Requires a reentry service provider that receives a grant from the Community-based
10 Reentry Services Account to submit a report for each fiscal year in which the reentry
11 service provider spends funds from the grant containing a summary of the activities carried
12 out under the reentry services program, an assessment of whether the reentry service
13 provider is meeting the need specified in its grant application and any other information
14 the department may require; and

15 9. Requires the Commissioner of Corrections to submit a report at the end of each
16 fiscal year to the joint standing committee of the Legislature having jurisdiction over
17 criminal justice and public safety matters and the Governor containing assessments of the
18 impact of reentry services funded through the Community-based Reentry Services Account
19 on various factors and statistics on the relative reduction in recidivism for inmates released
20 by the department within that fiscal year and the 4 prior fiscal years and comparing the
21 rates of recidivism of individuals that participated in reentry services programs that
22 received a grant to individuals that did not.