

# **Federal Certificate of Rehabilitation**

## ***The RE-ENTER (Recognizing Education, Employment, New skills, and Treatment to Enable Reintegration) Act***

Formerly incarcerated individuals who have rehabilitated themselves and are eager to reintegrate into society should be recognized for their efforts and welcomed in our communities. Thousands of individuals return home from federal prison each year and struggle to find jobs or places to live. There are countless collateral consequences that can be triggered by even non-violent, drug-related convictions and that can potentially last a lifetime. At the same time, prospective employers and landlords may lack the time and resources to understand an individual applicant's unique circumstances to determine whether they have been rehabilitated. Federal courts can help.

In at least 16 states and the District of Columbia, state court judges have the power to issue certificates of rehabilitation to address the impact of state convictions. These certificates are all designed to signal that a recipient has successfully reintegrated into society and no longer poses a significant risk of reoffending. For example, California's certificate program is the first step of the state's pardon process, while Connecticut allows for a certificate to be issued at any time after sentencing. In addition, some states have tied additional benefits to the issuance of certificates. For example, New Jersey and Rhode Island require licensing agencies to consider certificates of rehabilitation, and Illinois and North Carolina provide legal protections for employers who hire individuals with certificates. Just like with the *First Step Act*, Congress can again learn from successes in the states.

The RE-ENTER Act would allow a federal judge to issue a Certificate of Rehabilitation to acknowledge an eligible offender that has demonstrably committed to a law-abiding future and successfully reintegrated into society. More specifically, this legislation:

- Allows eligible offenders to petition the appropriate district court for a certificate;
- Directs courts to consider various factors to determine whether a certificate is appropriate, including the crime of conviction, activities and education, efforts at employment and restitution, and other current conditions;
- Permits federal prosecutors to weigh in with the district court and allows courts to appoint federal public defenders to assist the petitioner;
- Expresses the sense of Congress that a certificate should help former inmates with licensing, housing, and employment determinations, protect employers who hire recipients of certificates, and contribute to pardon and clemency efforts.
- Requires federal agencies and courts to consider the certificate when making housing, benefits, and eligibility determinations for other programs.

Senator Cornyn and Whitehouse are leading the bill, which is co-sponsored by Senators Lee, Leahy, Grassley, Durbin, Tillis, Coons, Portman, Blumenthal, Crapo and Ernst. The RE-ENTER Act is endorsed by Prison Fellowship, the National District Attorneys' Association, #Cut50, Americans for Prosperity, Law Enforcement Leaders, and the Justice Action Network.