

STATES' AND TERRITORIES' RESPONSES TO THE MAY 15, 2014 PRISON RAPE ELIMINATION ACT DEADLINE

The Prison Rape Elimination Act (PREA) was passed unanimously by Congress and signed into law by President George W. Bush in 2003 to prevent, detect and respond to sexual abuse that is perpetrated in confinement settings. PREA applies to adult prisons and jails, juvenile confinement facilities, lockups and community confinement facilities.

The PREA Statute provides that, if a governor is not able to certify to the department that their state or territory is in full compliance with the National PREA Standards, the governor has the option to submit an assurance to the department that not less than five percent of certain department grant funds will be used solely for the purpose of enabling the state or territory to achieve and certify full compliance with the standards in future years. If the governor is not able to certify to the department that the state or territory is in full compliance with the National PREA Standards and elects not to submit an assurance to the department, the state or territory is subject to a reduction of five percent of certain department grant funds that it would otherwise receive.

May 15, 2014, was the deadline for states and territories to submit certifications or assurances because fiscal year 2014 is the first year of potential reductions of department grants in states and territories that are not compliant with the standards. The PREA Statute requires potential grant reductions to be implemented in the second year after release of the standards. The standards were released in 2012.

The PREA statute requires the department to make publicly available the lists of states and territories that submitted certifications and assurances, and those that will be subject to a five percent reduction in certain department grant funds. The department will continue to work with all states and territories to implement the National PREA Standards.

States that certified full compliance (2)

- New Hampshire
- New Jersey

States and territories that submitted an assurance (46)

- Alabama
- Alaska
- American Samoa
- Arkansas
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Georgia
- Guam
- Hawaii
- Illinois
- Iowa
- Kansas
- Kentucky
- Louisiana
- Maine
- Maryland
- Massachusetts

- Michigan
- Minnesota
- Mississippi
- Missouri*
- Montana
- Nevada
- New Mexico
- New York
- North Carolina
- North Dakota
- Ohio
- Oklahoma
- Oregon
- Pennsylvania
- Puerto Rico
- Rhode Island
- South Carolina
- South Dakota
- Tennessee
- U.S. Virgin Islands*
- Vermont
- Virginia
- Washington
- West Virginia
- Wisconsin
- Wyoming

*The governors of Missouri and the U.S. Virgin Islands have indicated on their respective PREA Assurance forms that their juvenile facilities are in full compliance with the National PREA Standards.

States and the territory subject to a five percent reduction in certain department grant funding after declining to provide an affirmation or certification of compliance (8)

- Arizona
- Florida
- Idaho
- Indiana
- Nebraska
- Northern Marianas Islands
- Texas
- Utah