

**FY 2023 List of Certification and Assurance Submissions for  
Audit Year 3 of Cycle 3  
August 20, 2021 – August 19, 2022**

On September 12, 2022, the Office of Justice Programs (OJP) Deputy Assistant Attorney General sent letters to the nation’s state and territorial governors and the Mayor of the District of Columbia on behalf of the U.S. Department of Justice (DOJ) explaining their FY 2023 PREA- related options.<sup>1</sup> State administering authorities for OJP grant programs and governors’ criminal justice policy advisors were copied on this letter. The deadline for certifications and assurances for Audit Year 3 of Cycle 3, which impact FY 2023 grant funds, was October 17, 2022.

The Justice for All Reauthorization Act of 2016, which includes an amendment to the PREA statute, was enacted on December 16, 2016. This change to the PREA statute provides a second option regarding impacts to DOJ grant funds for states that are not able to certify full compliance with the National PREA Standards. For three years following the date of enactment, governors have the option to choose whether affected grant funds are reallocated to the state to use for PREA compliance purposes or are held in abeyance by DOJ pending future action by the state. *See* 42 U.S.C. § 15607(e)(2)(E).<sup>2</sup>

Below is a list of states and territories that submitted certifications and assurances or decline to make a submission for Audit Year three of the third three-year PREA audit cycle.

| States that certified full compliance (26), plus the District of Columbia (27) |               |              |
|--|---------------|--------------|
| Alabama  | Louisiana     | Ohio         |
| Arizona  | Maine         | Oklahoma     |
| Delaware   | Maryland      | Pennsylvania |
| District of Columbia   | Missouri      | Rhode Island |
| Florida  | Montana       | Tennessee    |
| Georgia  | Nebraska      | Vermont      |
| Hawaii   | New Hampshire | Virginia     |
| Iowa   | New Jersey    |              |
| Kansas   | New York      |              |
| Kentucky   | North Dakota  |              |

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<sup>1</sup> A PREA amendment under the Justice for All Reauthorization Act of 2016 was enacted on December 16, 2016, which exempts grant programs administered by OVW. Therefore, beginning in FY 2017, only OJP grant programs are impacted by PREA.

<sup>2</sup> Additional information regarding the PREA amendment under the Justice for All Reauthorization Act of 2016 can be found here: [https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/jfara-fact-sheet\\_updated-2017.03.01.pdf](https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/jfara-fact-sheet_updated-2017.03.01.pdf).

| States and territories that submitted an assurance (26) |                |                     |
|---|----------------|---------------------|
| American Samoa  | Michigan       | Texas               |
| Arkansas  | Minnesota      | U.S. Virgin Islands |
| California  | Mississippi    | Washington          |
| Colorado  | Nevada         | West Virginia       |
| Connecticut   | New Mexico     | Wisconsin           |
| Guam  | North Carolina | Wyoming             |
| Idaho   | Oregon         |                     |
| Illinois  | Puerto Rico    |                     |
| Indiana   | South Carolina |                     |
| Massachusetts   | South Dakota   |                     |

| States and territories subject to a five percent reduction in certain department grant funding after declining to provide an affirmation or certification of compliance (3) |
|---|
| Alaska  |
| Commonwealth of the Northern Mariana Islands  |
| Utah  |