

**FY 2025 List of Certification and Emergency Assurance
Submissions for Audit Year 2 of Cycle 4
August 20, 2023 – August 19, 2024**

On September 5, 2024, the Office of Justice Programs (OJP) Acting 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 2025 Prison Rape Elimination Act (PREA)-related options.¹ State administering authorities for OJP grant programs and governors' criminal justice policy advisors were copied on this letter. The deadline for certifications and emergency assurances for audit year 2 of audit cycle 4, which impact FY 2025 grant funds, was October 15, 2024.

The Justice for All Reauthorization Act of 2016 (JFARA) (Pub. L. No. 114-324) made several significant changes to the PREA statute. Among them, the JFARA required that the assurance option would sunset as of December 16, 2022. The JFARA also provided that, for two years following the sunset of the assurance option, a governor who can certify that the state has audited at least 90 percent of the facilities under their operational control may request that the Attorney General allow the submission of an emergency assurance form. See 34 U.S.C. § 30307(e)(2)(D)(iii). An emergency assurance means the state will use not less than 5 percent of certain DOJ grant funds solely for the purpose of enabling the state to achieve and certify full compliance with the standards in future years.¹ Year 2 of audit cycle 4 was the second and final opportunity to submit an emergency assurance.

Below is a list of states and territories that submitted certifications and emergency assurances or declined to make a submission for audit year 2 of cycle 4.

| States that certified full compliance (25), plus the District of Columbia (1) | | |
|---|---------------|--------------|
| Alabama | Maryland | Pennsylvania |
| Arizona | Massachusetts | Rhode Island |
| Delaware | Montana | Tennessee |
| District of Columbia | Nebraska | Texas |
| Florida | New Jersey | Vermont |
| Hawaii | New Mexico | Virginia |
| Iowa | New York | |
| Kansas | North Dakota | |
| Kentucky | Ohio | |
| Maine | Oklahoma | |

¹ A Prison Rape Elimination Act (PREA) amendment under JFARA was enacted on December 16, 2016, which exempts grant programs administered by the Office on Violence Against Women. Therefore, beginning in FY 2017, only OJP grant programs are impacted by PREA. Additional information regarding the PREA amendment under JFARA can be found here: 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 emergency assurance (22) | | |
|---|----------------|-----------|
| California | Mississippi | Wisconsin |
| Colorado | Missouri | Wyoming |
| Connecticut | Nevada | |
| Georgia | New Hampshire | |
| Guam | North Carolina | |
| Idaho | Oregon | |
| Illinois | South Carolina | |
| Louisiana | South Dakota | |
| Michigan | Washington | |
| Minnesota | West Virginia | |

| States and territories subject to a 5 percent reduction in certain department grant funding after declining to provide an affirmation or certification of compliance (8) |
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| Alaska |
| American Samoa |
| Arkansas |
| Commonwealth of the Northern Mariana Islands |
| Indiana |
| Puerto Rico |
| U.S. Virgin Islands |
| Utah |