

111TH CONGRESS
1ST SESSION

H. R. 4055

To authorize a national HOPE Program to reduce drug use, crime, and the costs of incarceration.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 2009

Mr. SCHIFF (for himself and Mr. POE of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize a national HOPE Program to reduce drug use, crime, and the costs of incarceration.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Honest Opportunity
5 Probation with Enforcement (HOPE) Initiative Act of
6 2009”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Crime continues to inflict a severe cost on
10 victims and communities across the country.

1 (2) Criminal apprehension and punishment
2 similarly impose substantial costs on taxpayers, with
3 States spending over \$50,000,000,000 on corrections
4 in fiscal year 2008, accounting for 1 in every 15
5 State general fund dollars.

6 (3) A substantial amount of crime, and a sub-
7 stantial share of prison occupancy, is directly tied to
8 illicit drug consumption. A relatively small group of
9 chronic drug users consumes the vast majority of co-
10 caine, heroin, and methamphetamine in the United
11 States, and approximately three-quarters of this
12 group pass through the criminal justice system at
13 some point. Consequently, reducing drug consump-
14 tion in the United States requires effectively ad-
15 dressing the drug habits of supervised offenders.

16 (4) One in 100 adults is behind bars, and 1 in
17 31 is under some form of criminal justice super-
18 vision, including probation and parole. Of the
19 7,300,000 individuals in the United States who are
20 under criminal justice supervision, the majority
21 (4,300,000) are serving a term of probation in their
22 communities, in lieu of serving time behind bars.

23 (5) The failure of individuals serving terms of
24 probation to successfully complete such terms is a
25 major contributor to prison admissions. In 2007,

1 more than 250,000 such individuals were admitted
2 to prison. Consequently, controlling drug use by in-
3 dividuals who are serving a period of probation re-
4 duces both national drug consumption and crime
5 rates, and reduces taxpayer burdens.

6 (6) Innovations in offender supervision prove
7 that swift, certain, and graduated sanctions for non-
8 compliance can reduce drug use, new crimes, and
9 revocation to incarceration.

10 (7) Hawaii's Opportunity Probation with En-
11 forcement (HOPE) initiative, an offender super-
12 vision program to reduce probation violations by
13 drug and other high-risk offenders using a struc-
14 tured sanctions model, has been shown to be highly
15 successful at reducing drug use, crime, and recidi-
16 vism.

17 (8) According to an article in the Journal of the
18 American Medical Association in August of 2009, if
19 the HOPE initiative was replicated effectively in
20 multiple jurisdictions, the program might have
21 broader benefits beyond assisting probationer par-
22 ticipants at risk for heavy drug use, such as helping
23 to shrink the market for illegal drugs and the profits
24 of drug trafficking organizations.

1 **SEC. 3. HOPE INITIATIVE GRANTS.**

2 (a) PROGRAM ESTABLISHED.—

3 (1) IN GENERAL.—The Attorney General may
4 establish a competitive demonstration grant program
5 to award grants to State, tribal, and local courts to
6 establish probation programs that reduce drug use,
7 crime, and recidivism by requiring swift, predictable,
8 and graduated sanctions for noncompliance with the
9 conditions of probation, as determined by the Attor-
10 ney General.

11 (2) NUMBER AND SELECTION OF GRANTS.—

12 (A) NUMBER.—The Attorney General shall
13 have the discretion to award not more than 20
14 grants under this section.

15 (B) SELECTION.—The Attorney General
16 shall ensure that such grants are awarded in a
17 manner that promotes the strongest proposals,
18 evaluation designs, and geographic diversity of
19 the demonstration programs under this section.

20 (b) APPLICATION.—To be eligible for a grant under
21 this section, a State, tribal, or local court shall, in addition
22 to any other requirements required by the Attorney Gen-
23 eral, submit to the Attorney General an application that—

24 (1) describes the program to be assisted under
25 this section and the need for such program;

1 (2) describes a long-term strategy and detailed
2 implementation plan for such program, including
3 how the entity plans to pay for the program after
4 the Federal funding is discontinued;

5 (3) certifies that all government entities af-
6 fected by the program have been appropriately con-
7 sulted in the development of the program and that
8 there will be appropriate coordination with all such
9 entities in the implementation of the program;

10 (4) identifies the key partners that will be in-
11 cluded in the program, including the Chief Judge of
12 the court of the relevant jurisdiction and other par-
13 ticipating judges in such jurisdiction, State court ad-
14 ministrator, probation and parole administrators,
15 jail and prison administrators, prosecutors, public
16 defenders and defense attorneys, and sheriff or po-
17 lice administrators; and

18 (5) includes an assurance that the applicant
19 will—

20 (A) collect key process measures, including
21 the number of individuals enrolled in the pro-
22 gram, the frequency of drug testing of such in-
23 dividuals, the certainty of sanctions for a viola-
24 tion of the terms of probation, the average pe-
25 riod of time from detection of a violation to

1 issuance of a sanction for such violation, and
2 sanction severity;

3 (B) conduct an unbiased comparison of the
4 outcomes between program participants and
5 similarly situated probationers not in the pro-
6 gram, including the positive and negative drug
7 test rates, probation and substance abuse treat-
8 ment appearance rates, probation term modi-
9 fications, revocations, arrests, time spent in jail
10 or prison, and total correctional costs incurred;
11 and

12 (C) partner with an independent program
13 advisor and evaluator, who will assist the appli-
14 cant with designing the demonstration program
15 to be carried out with the grant, identifying the
16 appropriate comparison group for the compari-
17 son required under subparagraph (A), and
18 measuring relevant outcomes for such compari-
19 son.

20 (e) GRANT USES.—A grant awarded under this sec-
21 tion shall be used by the grantee to establish probation
22 programs that—

23 (1) identify for enrollment in the program indi-
24 viduals who are serving a term of probation and who
25 are at high risk of failing to observe the conditions

1 of supervision and of being returned to incarceration
2 as a result of such failure;

3 (2) notify probationers of the rules of the pro-
4 bation demonstration program, and consequences for
5 violating such rules;

6 (3) monitor probationers for illicit drug use
7 with regular and rapid-result drug screening;

8 (4) monitor probationers for violations of other
9 rules and probation terms, including failure to pay
10 court-ordered financial obligations such as child sup-
11 port or victim restitution;

12 (5) respond to violations of such rules with im-
13 mediate arrest of the violating probationer, and swift
14 and certain modification of the conditions of proba-
15 tion, including imposition of short jail stays (which
16 may gradually become longer with each additional
17 violation and modification);

18 (6) immediately respond to probationers who
19 have absconded from supervision with service of
20 bench warrants and immediate sanctions;

21 (7) provide rewards to probationers who comply
22 with such rules;

23 (8) ensure funding for, and referral to, sub-
24 stance abuse treatment for probationers who repeat-
25 edly fail to refrain from illicit drugs use;

1 (9) establish procedures to terminate program
2 participation by, and initiate revocation to a term of
3 incarceration for, probationers who habitually fail to
4 abide by program rules and pose a threat to public
5 safety; and

6 (10) include regular coordination meetings for
7 the key partners of the demonstration program, in-
8 cluding the partners identified in the grant applica-
9 tion in accordance with subsection (b)(4).

10 (d) DETERMINATION OF PROGRAM SAVINGS.—

11 (1) GRANTEE SAVINGS AND REINVESTMENT.—

12 Each court receiving a grant under this section
13 shall—

14 (A) not later than 12 months after an ini-
15 tial grant award under this section, and annu-
16 ally thereafter through the end of the grant pe-
17 riod, calculate the amount of cost savings, if
18 any, resulting from the reduced incarceration
19 achieved through such grant program; and

20 (B) report to the Attorney General—

21 (i) the amount calculated under sub-
22 paragraph (A); and

23 (ii) the portion of such amount, if
24 any, that will be reinvested for expansion
25 of such grant program.

1 (2) EVALUATION, GUIDANCE, AND REC-
2 COMMENDATIONS.—The Attorney General shall—

3 (A) annually evaluate—

4 (i) the methods used by courts to cal-
5 culate the cost savings reported under
6 paragraph (1); and

7 (ii) the use of such savings by the
8 courts to reinvest for expansion of the
9 grant program; and

10 (B) provide guidance, assistance, and rec-
11 ommendations to such courts relating to the po-
12 tential reinvestment of such savings for expan-
13 sion of such grant program.

14 (e) EVALUATION COORDINATOR.—The Attorney Gen-
15 eral shall select an entity to serve as the HOPE initiative
16 evaluation coordinator to—

17 (1) analyze and provide feedback on the meas-
18 ures and outcomes the individual HOPE initiative
19 demonstration programs are required to collect and
20 conduct, respectively, in accordance with subsection
21 (b)(5);

22 (2) ensure consistent tracking of the progress
23 of the demonstration programs carried out under
24 this section, including such measures and outcomes;
25 and

1 (3) ensure that the aggregate data from all
2 such demonstration programs is available to each of
3 the programs and the Attorney General.

4 (f) ANNUAL REPORT.—The Attorney General shall
5 annually report to Congress on the results of the HOPE
6 initiative carried out under this section.

7 (g) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated for grants awarded
9 under this section \$25,000,000 for each of fiscal years
10 2010 through 2014, of which not more than \$500,000
11 shall be available to the Attorney General in each fiscal
12 year for coordination activities necessary to carry out this
13 section.

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