

105TH CONGRESS
1ST SESSION

H. R. 1644

To provide for programs that involve continuing judicial supervision over offenders with substance abuse problems who are not violent offenders.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 1997

Ms. WATERS (for herself, Mr. CUMMINGS, Mr. HILLIARD, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. THOMPSON, Ms. BROWN of Florida, Mr. RUSH, Mr. TOWNS, Mr. DIXON, Mr. STOKES, Mr. CONYERS, Mr. DELLUMS, Mr. RANGEL, Mrs. CLAYTON, Ms. KILPATRICK, Mr. CLYBURN, Mr. FORD, Mr. DAVIS of Illinois, Mr. OWENS, Mr. WATT of North Carolina, Mr. WYNN, Mr. SCOTT, Mr. HASTINGS of Florida, Ms. CHRISTIAN-GREEN, Ms. CARSON, Ms. NORTON, Mr. PAYNE, Mr. CLAY, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FATTAH, Mr. LEWIS of Georgia, and Ms. MILLENDER-MCDONALD) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for programs that involve continuing judicial supervision over offenders with substance abuse problems who are not violent offenders.

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

TITLE I—DRUG COURTS

SEC. 101. GRANT AUTHORITY.

The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or private entities, for programs that involve—

(1) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; and

(2) the integrated administration of other sanctions and services, which shall include—

(A) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

(B) substance abuse treatment for each participant;

(C) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

(D) programmatic, offender management, and aftercare services such as relapse preven-

1 tion, health care, education, vocational training,
2 job placement, housing placement, and child
3 care or other family support services for each
4 participant who requires such services.

5 **SEC. 102. ADMINISTRATION.**

6 (a) CONSULTATION.—The Attorney General shall
7 consult with the Secretary of Health and Human Services
8 and any other appropriate officials in carrying out this
9 title.

10 (b) USE OF COMPONENTS.—The Attorney General
11 may utilize any component or components of the Depart-
12 ment of Justice in carrying out this title.

13 (c) REGULATORY AUTHORITY.—The Attorney Gen-
14 eral may issue regulations and guidelines necessary to
15 carry out this title.

16 (d) APPLICATIONS.—In addition to any other require-
17 ments that may be specified by the Attorney General, an
18 application for a grant under this title shall—

19 (1) include a long-term strategy and detailed
20 implementation plan;

21 (2) explain the applicant's inability to fund the
22 program adequately without Federal assistance;

23 (3) certify that the Federal support provided
24 will be used to supplement, and not supplant, State,

1 Indian tribal, and local sources of funding that
2 would otherwise be available;

3 (4) identify related governmental or community
4 initiatives which complement or will be coordinated
5 with the proposal;

6 (5) certify that there has been appropriate con-
7 sultation with all affected agencies and that there
8 will be appropriate coordination with all affected
9 agencies in the implementation of the program;

10 (6) certify that participating offenders will be
11 supervised by one or more designated judges with re-
12 sponsibility for the drug court program;

13 (7) specify plans for obtaining necessary sup-
14 port and continuing the proposed program following
15 the conclusion of Federal support; and

16 (8) describe the methodology that will be used
17 in evaluating the program.

18 **SEC. 103. APPLICATIONS.**

19 To request funds under this title, the chief executive
20 or the chief justice of a State or the chief executive or
21 chief judge of a unit of local government or Indian tribal
22 government shall submit an application to the Attorney
23 General in such form and containing such information as
24 the Attorney General may reasonably require.

1 **SEC. 104. FEDERAL SHARE.**

2 The Federal share of a grant made under this title
3 may not exceed 75 percent of the total costs of the pro-
4 gram described in the application submitted under section
5 103 for the fiscal year for which the program receives as-
6 sistance under this title, unless the Attorney General
7 waives, wholly or in part, the requirement of a matching
8 contribution under this section. In-kind contributions may
9 constitute a portion of the non-Federal share of a grant.

10 **SEC. 105. GEOGRAPHIC DISTRIBUTION.**

11 The Attorney General shall ensure that, to the extent
12 practicable, an equitable geographic distribution of grant
13 awards is made.

14 **SEC. 106. REPORT.**

15 A State, Indian tribal government, or unit of local
16 government that receives funds under this title during a
17 fiscal year shall submit to the Attorney General a report
18 in March of the following year regarding the effectiveness
19 of this title.

20 **SEC. 107. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**
21 **UATION.**

22 (a) **TECHNICAL ASSISTANCE AND TRAINING.**—The
23 Attorney General may provide technical assistance and
24 training in furtherance of the purposes of this title.

25 (b) **EVALUATIONS.**—In addition to any evaluation re-
26 quirements that may be prescribed for grantees, the Attor-

1 ney General may carry out or make arrangements for eval-
 2 uations of programs that receive support under this title.

3 (c) ADMINISTRATION.—The technical assistance,
 4 training, and evaluations authorized by this section may
 5 be carried out directly by the Attorney General, in collabo-
 6 ration with the Secretary of Health and Human Services,
 7 or through grants, contracts, or other cooperative arrange-
 8 ments with other entities.

9 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

10 For the purpose of carrying out this title, there are
 11 authorized to be appropriated \$200,000,000 for fiscal year
 12 1998, and such sums as may be necessary for each of the
 13 fiscal years 1999 through 2002.

14 **TITLE II—YOUTH COURTS**

15 **SEC. 201. YOUTH COURTS.**

16 From amounts appropriated under section 202, the
 17 Attorney General shall carry out a program in accordance
 18 with title I, except as follows:

19 (1) The program under this title shall be car-
 20 ried out only with respect to individuals who are
 21 under the age of 21 (individually referred to in this
 22 section as a “youth”).

23 (2) A youth may participate in the program
 24 only if a parent or other legal guardian of the youth
 25 participates in the program.

1 **SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

2 For the purpose of carrying out section 201, there
3 are authorized to be appropriated \$50,000,000 for fiscal
4 year 1998, and such sums as may be necessary for each
5 of the fiscal years 1999 through 2002.

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