

106TH CONGRESS  
1ST SESSION

# S. 1808

To reauthorize and improve the drug court grant program.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 27, 1999

Mr. SPECTER (for himself and Mr. BIDEN) introduced the following bill; which  
was read twice and referred to the Committee on the Judiciary

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## A BILL

To reauthorize and improve the drug court grant program.

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 “Drug Court Reauthor-  
5       ization and Improvement Act of 1999”.

6       **SEC. 2. GRANT AUTHORITY.**

7       (a) IN GENERAL.—The Attorney General may make  
8       grants to States, State courts, local courts, units of local  
9       government, and Indian tribal governments, acting di-  
10      rectly or through agreements with other public or private  
11      entities, for programs that involve—

1 (1) continuing judicial supervision over offend-  
2 ers with substance abuse problems who are not vio-  
3 lent offenders; and

4 (2) the integrated administration of other sanc-  
5 tions and services, which shall include—

6 (A) mandatory periodic testing for the use  
7 of controlled substances or other addictive sub-  
8 stances during any period of supervised release  
9 or probation for each participant;

10 (B) substance abuse treatment for each  
11 participant;

12 (C) diversion, probation, or other super-  
13 vised release involving the possibility of prosecu-  
14 tion, confinement, or incarceration based on  
15 noncompliance with program requirements or  
16 failure to show satisfactory progress; and

17 (D) programmatic, offender management,  
18 and aftercare services such as relapse preven-  
19 tion, health care, education, vocational training,  
20 job placement, housing placement, and child  
21 care or other family support services for each  
22 participant who requires such services.

23 (b) GEOGRAPHICAL DISTRIBUTION.—The Attorney  
24 General shall ensure that, to the extent practicable, an eq-  
25 uitable geographic distribution of grant awards is made.

1 **SEC. 3. PROHIBITION OF PARTICIPATION BY VIOLENT OF-**  
2 **FENDERS.**

3 The Attorney General shall—

4 (1) issue regulations and guidelines to ensure  
5 that the programs authorized in this Act do not per-  
6 mit participation by violent offenders; and

7 (2) immediately suspend funding for any grant  
8 under this Act, pending compliance, if the Attorney  
9 General finds that violent offenders are participating  
10 in any program funded under this Act.

11 **SEC. 4. DEFINITION.**

12 In this Act, the term “violent offender” means a per-  
13 son who—

14 (1) is charged with or convicted of an offense,  
15 during the course of which offense or conduct—

16 (A) the person carried, possessed, or used  
17 a firearm or dangerous weapon;

18 (B) there occurred the death of or serious  
19 bodily injury to any person; or

20 (C) there occurred the use of force against  
21 the person of another,

22 without regard to whether any of the circumstances  
23 described in subparagraph (A), (B), or (C) is an ele-  
24 ment of the offense or conduct of which or for which  
25 the person is charged or convicted; or

1           (2) has 1 or more prior convictions for a felony  
2       crime of violence involving the use or attempted use  
3       of force against a person with the intent to cause  
4       death or serious bodily harm.

5 **SEC. 5. 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       Act.

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 Act.

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

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 Act 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 1 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. 6. APPLICATIONS.**

19 To request funds under this Act, 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. 7. FEDERAL SHARE.**

2 (a) IN GENERAL.—The Federal share of a grant  
 3 made under this Act may not exceed 75 percent of the  
 4 total costs of the program described in the application sub-  
 5 mitted under section 6 for the fiscal year for which the  
 6 program receives assistance under this Act, unless the At-  
 7 torney General waives, wholly or in part, the requirement  
 8 of a matching contribution under this section.

9 (b) MATCHING REQUIREMENT.—In-kind contribu-  
 10 tions and Federal funds not received pursuant to a grant  
 11 made under this Act may constitute a portion of the non-  
 12 Federal share of a grant.

13 **SEC. 8. REPORT.**

14 (a) GRANTEE REPORT.—A State, Indian tribal gov-  
 15 ernment, or unit of local government that receives funds  
 16 under this Act during a fiscal year shall submit to the  
 17 Attorney General a report in March of the following year  
 18 regarding the effectiveness of this Act.

19 (b) FEDERAL EVALUATION.—The Attorney General  
 20 shall annually report to the Committees on the Judiciary  
 21 of the House of Representatives and the Senate data and  
 22 analysis with respect to—

23 (1) the effectiveness of the drug court programs  
 24 authorized by this Act and the management of those  
 25 programs; and

1           (2) the drug relapse and recidivism rates of of-  
 2           fenders in participating in programs authorized by  
 3           this Act.

4   **SEC. 9. TECHNICAL ASSISTANCE TRAINING AND EVALUA-**  
 5                           **TION.**

6           (a) TECHNICAL ASSISTANCE AND TRAINING.—The  
 7   Attorney General may provide technical assistance and  
 8   training in furtherance of the purposes of this Act.

9           (b) EVALUATIONS.—In addition to any evaluation re-  
 10   quirements that may be prescribed for grantees, the Attor-  
 11   ney General may carry out or make arrangements for eval-  
 12   uations of programs that receive support under this Act.

13          (c) ADMINISTRATION.—The technical assistance,  
 14   training, and evaluations authorized by this section may  
 15   be carried out directly by the Attorney General, in collabo-  
 16   ration with the Secretary of Health and Human Services,  
 17   or through grants, contracts, or other cooperative arrange-  
 18   ments with other entities.

19   **SEC. 10. CENTER FOR SUBSTANCE ABUSE TREATMENT.**

20          Section 507 of the Public Health Service Act (42  
 21   U.S.C. 290bb) is amended by adding at the end the fol-  
 22   lowing:

23          “(d) DRUG TREATMENT SERVICES.—There is au-  
 24   thorized to be appropriated, \$75,000,000 for each of the  
 25   fiscal years 2000 through 2003, to enable the Secretary,

1 acting through the Center, to provide drug treatment serv-  
2 ices in conjunction with drug court programs. Amounts  
3 provided under this subsection shall be used to supple-  
4 ment, not supplant, State, local or private funds made  
5 available for such services.”.

6 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

7       There are authorized to be appropriated to the Attor-  
8 ney General for each of the fiscal years 2000 through  
9 2003, \$200,000,000 to carry out sections 2 through 9 of  
10 this Act.

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