

106TH CONGRESS
1ST SESSION

S. 295

To amend part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to permit the use of certain amounts for assistance to jail-based substance treatment programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 1999

Mr. LUGAR introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to permit the use of certain amounts for assistance to jail-based substance treatment programs, and for other purposes.

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. JAIL-BASED SUBSTANCE ABUSE TREATMENT**
4 **PROGRAMS.**

5 (a) IN GENERAL.—Part S of title I of the Omnibus
6 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
7 3796ff et seq.) is amended by adding at the end the follow-
8 ing:

1 **“SEC. 1906. JAIL-BASED SUBSTANCE ABUSE TREATMENT.**

2 “(a) DEFINITIONS.—In this section—

3 “(1) the term ‘jail-based substance abuse treat-
4 ment program’ means a course of individual and
5 group activities, lasting for a period of not less than
6 3 months, in an area of a correctional facility set
7 apart from the general population of the correctional
8 facility, if those activities are—

9 “(A) directed at the substance abuse prob-
10 lems of prisoners; and

11 “(B) intended to develop the cognitive, be-
12 havioral, social, vocational, and other skills of
13 prisoners in order to address the substance
14 abuse and related problems of prisoners; and

15 “(2) the term ‘local correctional facility’ means
16 any correctional facility operated by a unit of local
17 government.

18 “(b) AUTHORIZATION.—

19 “(1) IN GENERAL.—Not less than 10 percent of
20 the total amount made available to a State under
21 section 1904(a) for any fiscal year may be used by
22 the State to make grants to local correctional facili-
23 ties in the State for the purpose of assisting jail-
24 based substance abuse treatment programs estab-
25 lished by those local correctional facilities.

1 “(2) FEDERAL SHARE.—The Federal share of a
 2 grant made by a State under this section to a local
 3 correctional facility may not exceed 75 percent of
 4 the total cost of the jail-based substance abuse treat-
 5 ment program described in the application submitted
 6 under subsection (c) for the fiscal year for which the
 7 program receives assistance under this section.

8 “(c) APPLICATIONS.—

9 “(1) IN GENERAL.—To be eligible to receive a
 10 grant from a State under this section for a jail-
 11 based substance abuse treatment program, the chief
 12 executive of a local correctional facility shall submit
 13 to the State, in such form and containing such infor-
 14 mation as the State may reasonably require, an ap-
 15 plication that meets the requirements of paragraph
 16 (2).

17 “(2) APPLICATION REQUIREMENTS.—Each ap-
 18 plication submitted under paragraph (1) shall
 19 include—

20 “(A) with respect to the jail-based sub-
 21 stance abuse treatment program for which as-
 22 sistance is sought, a description of the program
 23 and a written certification that—

24 “(i) the program has been in effect
 25 for not less than 2 consecutive years before

1 the date on which the application is sub-
2 mitted; and

3 “(ii) the local correctional facility
4 will—

5 “(I) coordinate the design and
6 implementation of the program be-
7 tween local correctional facility rep-
8 resentatives and the appropriate State
9 and local alcohol and substance abuse
10 agencies;

11 “(II) implement (or continue to
12 require) urinalysis or other proven re-
13 liable forms of substance abuse test-
14 ing of individuals participating in the
15 program, including the testing of indi-
16 viduals released from the jail-based
17 substance abuse treatment program
18 who remain in the custody of the local
19 correctional facility; and

20 “(III) carry out the program in
21 accordance with guidelines, which
22 shall be established by the State, in
23 order to guarantee each participant in
24 the program access to consistent, con-
25 tinual care if transferred to a dif-

1 ferent local correctional facility within
2 the State;

3 “(B) written assurances that Federal
4 funds received by the local correctional facility
5 from the State under this section will be used
6 to supplement, and not to supplant, non-Fed-
7 eral funds that would otherwise be available for
8 jail-based substance abuse treatment programs
9 assisted with amounts made available to the
10 local correctional facility under this section; and

11 “(C) a description of the manner in which
12 amounts received by the local correctional facil-
13 ity from the State under this section will be co-
14 ordinated with Federal assistance for substance
15 abuse treatment and aftercare services provided
16 to the local correctional facility by the Sub-
17 stance Abuse and Mental Health Services Ad-
18 ministration of the Department of Health and
19 Human Services.

20 “(d) REVIEW OF APPLICATIONS.—

21 “(1) IN GENERAL.—Upon receipt of an applica-
22 tion under subsection (c), the State shall—

23 “(A) review the application to ensure that
24 the application, and the jail-based residential
25 substance abuse treatment program for which a

1 grant under this section is sought, meet the re-
 2 quirements of this section; and

3 “(B) if so, make an affirmative finding in
 4 writing that the jail-based substance abuse
 5 treatment program for which assistance is
 6 sought meets the requirements of this section.

7 “(2) APPROVAL.—Based on the review con-
 8 ducted under paragraph (1), not later than 90 days
 9 after the date on which an application is submitted
 10 under subsection (c), the State shall—

11 “(A) approve the application, disapprove
 12 the application, or request a continued evalua-
 13 tion of the application for an additional period
 14 of 90 days; and

15 “(B) notify the applicant of the action
 16 taken under subparagraph (A) and, with re-
 17 spect to any denial of an application under sub-
 18 paragraph (A), afford the applicant an oppor-
 19 tunity for reconsideration.

20 “(3) ELIGIBILITY FOR PREFERENCE WITH
 21 AFTERCARE COMPONENT.—

22 “(A) IN GENERAL.—In making grants
 23 under this section, a State shall give preference
 24 to applications from local correctional facilities
 25 that ensure that each participant in the jail-

1 based substance abuse treatment program for
 2 which a grant under this section is sought, is
 3 required to participate in an aftercare services
 4 program that meets the requirements of sub-
 5 paragraph (B), for a period of not less than 1
 6 year following the earlier of—

7 “(i) the date on which the participant
 8 completes the jail-based substance abuse
 9 treatment program; or

10 “(ii) the date on which the participant
 11 is released from the correctional facility at
 12 the end of the participant’s sentence or is
 13 released on parole.

14 “(B) **AFTERCARE SERVICES PROGRAM RE-**
 15 **QUIREMENTS.**—For purposes of subparagraph
 16 (A), an aftercare services program meets the re-
 17 quirements of this paragraph if the program—

18 “(i) in selecting individuals for par-
 19 ticipation in the program, gives priority to
 20 individuals who have completed a jail-based
 21 substance abuse treatment program;

22 “(ii) requires each participant in the
 23 program to submit to periodic substance
 24 abuse testing; and

“(iii) involves the coordination between the jail-based substance abuse treatment program and other human service and rehabilitation programs that may assist in the rehabilitation of program participants, such as—

“(I) educational and job training programs;

“(II) parole supervision programs;

“(III) half-way house programs; and

“(IV) participation in self-help and peer group programs; and

“(iv) assists in placing jail-based substance abuse treatment program participants with appropriate community substance abuse treatment facilities upon release from the correctional facility at the end of a sentence or on parole.

“(e) COORDINATION AND CONSULTATION.—

“(1) COORDINATION.—Each State that makes 1 or more grants under this section in any fiscal year shall, to the maximum extent practicable, implement a statewide communications network with

1 the capacity to track the participants in jail-based
2 substance abuse treatment programs established by
3 local correctional facilities in the State as those par-
4 ticipants move between local correctional facilities
5 within the State.

6 “(2) CONSULTATION.—Each State described in
7 paragraph (1) shall consult with the Attorney Gen-
8 eral and the Secretary of Health and Human Serv-
9 ices to ensure that each jail-based substance abuse
10 treatment program assisted with a grant made by
11 the State under this section incorporates applicable
12 components of comprehensive approaches, including
13 relapse prevention and aftercare services.

14 “(f) USE OF GRANT AMOUNTS.—

15 “(1) IN GENERAL.—Each local correctional fa-
16 cility that receives a grant under this section shall
17 use the grant amount solely for the purpose of car-
18 rying out the jail-based substance abuse treatment
19 program described in the application submitted
20 under subsection (c).

21 “(2) ADMINISTRATION.—Each local correctional
22 facility that receives a grant under this section shall
23 carry out all activities relating to the administration
24 of the grant amount, including reviewing the manner
25 in which the amount is expended, processing, mon-

1 itoring the progress of the program assisted, finan-
2 cial reporting, technical assistance, grant adjust-
3 ments, accounting, auditing, and fund disbursement.

4 “(3) RESTRICTION.—A local correctional facil-
5 ity may not use any amount of a grant under this
6 section for land acquisition or a construction project.

7 “(g) REPORTING REQUIREMENT; PERFORMANCE RE-
8 VIEW.—

9 “(1) REPORTING REQUIREMENT.—Not later
10 than March 1 of each year, each local correctional
11 facility that receives a grant under this section shall
12 submit to the Attorney General, through the State,
13 a description and evaluation of the jail-based sub-
14 stance abuse treatment program carried out by the
15 local correctional facility with the grant amount, in
16 such form and containing such information as the
17 Attorney General may reasonably require.

18 “(2) PERFORMANCE REVIEW.—The Attorney
19 General shall conduct an annual review of each jail-
20 based substance abuse treatment program assisted
21 under this section, in order to verify the compliance
22 of local correctional facilities with the requirements
23 of this section.

1 “(h) NO EFFECT ON STATE ALLOCATION.—Nothing
2 in this section shall be construed to affect the allocation
3 of amounts to States under section 1904(a).”.

4 (b) TECHNICAL AMENDMENT.—The table of contents
5 for title I of the Omnibus Crime Control and Safe Streets
6 Act of 1968 (42 U.S.C. 3711 et seq.) is amended, in the
7 matter relating to part S, by adding at the end the follow-
8 ing:

“1906. Jail-based substance abuse treatment.”.

