

107TH CONGRESS
1ST SESSION

H. R. 2580

To establish grants for drug treatment alternative to prison programs
administered by State or local prosecutors.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2001

Mr. MICA (for himself, Mr. PORTMAN, and Mr. LATOURETTE) introduced the
following bill; which was referred to the Committee on the Judiciary

A BILL

To establish grants for drug treatment alternative to prison
programs administered by State or local prosecutors.

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 “Prosecution Drug
5 Treatment Alternative to Prison Act of 2001”.

6 **SEC. 2. DRUG TREATMENT ALTERNATIVE TO PRISON PRO-**
7 **GRAMS ADMINISTERED BY STATE OR LOCAL**
8 **PROSECUTORS.**

9 (a) PROSECUTION DRUG TREATMENT ALTERNATIVE
10 TO PRISON PROGRAMS.—Title I of the Omnibus Crime

1 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
2 et seq.) is amended by adding at the end the following
3 new part:

4 **“PART CC—PROSECUTION DRUG TREATMENT**
5 **ALTERNATIVE TO PRISON PROGRAMS**

6 **“SEC. 2901. PROGRAM AUTHORIZED.**

7 “(a) IN GENERAL.—The Attorney General may make
8 grants to State or local prosecutors for the purpose of de-
9 veloping, implementing, or expanding drug treatment al-
10 ternative to prison programs that comply with the require-
11 ments of this part.

12 “(b) USE OF FUNDS.—A State or local prosecutor
13 who receives a grant under this part shall use amounts
14 provided under the grant to develop, implement, or expand
15 the drug treatment alternative to prison program for
16 which the grant was made, which may include payment
17 of the following expenses:

18 “(1) Salaries, personnel costs, equipment costs,
19 and other costs directly related to the operation of
20 the program, including the enforcement unit.

21 “(2) Payments to licensed substance abuse
22 treatment providers for providing treatment to of-
23 fenders participating in the program for which the
24 grant was made, including aftercare supervision, vo-
25 cational training, education, and job placement.

1 “(3) Payments to public and nonprofit private
2 entities for providing treatment to offenders partici-
3 pating in the program for which the grant was
4 made, including alternative to prison programs au-
5 thorized by State or municipal agencies to perform
6 such services.

7 “(c) FEDERAL SHARE.—The Federal share of a
8 grant under this part shall not exceed 75 percent of the
9 cost of the program.

10 “(d) SUPPLEMENT AND NOT SUPPLANT.—Grant
11 amounts received under this part shall be used to supple-
12 ment, and not supplant, non-Federal funds that would
13 otherwise be available for activities funded under this part.

14 **“SEC. 2902. PROGRAM REQUIREMENTS.**

15 “A drug treatment alternative to prison program with
16 respect to which a grant is made under this part shall
17 comply with the following requirements:

18 “(1) A State or local prosecutor shall admin-
19 ister the program.

20 “(2) An eligible offender may participate in the
21 program only with the consent of the State or local
22 prosecutor.

23 “(3) Each eligible offender who participates in
24 the program shall, as an alternative to incarceration,
25 be sentenced to or placed with a residential sub-

1 stance abuse treatment provider that is licensed
2 under State or local law.

3 “(4) Each eligible offender who participates in
4 the program shall serve a sentence of imprisonment
5 with respect to the underlying crime if that offender
6 does not successfully complete treatment with the
7 residential substance abuse provider.

8 “(5) Each residential substance abuse provider
9 treating an offender under the program shall—

10 “(A) make periodic reports of the progress
11 of treatment of that offender to the State or
12 local prosecutor carrying out the program and
13 to the appropriate court in which the defendant
14 was convicted; and

15 “(B) notify that prosecutor and that court
16 if that offender absconds from the facility of
17 the treatment provider or otherwise violates the
18 terms and conditions of the program.

19 “(6) The program shall have an enforcement
20 unit comprised of law enforcement officers under the
21 supervision of the State or local prosecutor carrying
22 out the program, the duties of which shall include
23 verifying an offender’s addresses and other contacts,
24 and, if necessary, locating, apprehending, and ar-
25 resting an offender who has absconded from the fa-

1 cility of a residential substance abuse treatment pro-
2 vider or otherwise violated the terms and conditions
3 of the program, and returning such offender to court
4 for sentence on the underlying crime.

5 **“SEC. 2903. APPLICATIONS.**

6 “(a) IN GENERAL.—To request a grant under this
7 part, a State or local prosecutor shall submit an applica-
8 tion to the Attorney General in such form and containing
9 such information as the Attorney General may reasonably
10 require.

11 “(b) CERTIFICATIONS.—Each such application shall
12 contain the certification of the State or local prosecutor
13 that the program for which the grant is requested shall
14 meet each of the requirements of this part.

15 **“SEC. 2904. GEOGRAPHIC DISTRIBUTION.**

16 “The Attorney General shall ensure that, to the ex-
17 tent practicable, the distribution of grant awards is equi-
18 table and includes State or local prosecutors—

19 (1) in each State; and

20 (2) in rural, suburban, and urban jurisdictions.

21 **“SEC. 2905. REPORTS AND EVALUATIONS.**

22 “For each fiscal year, each recipient of a grant under
23 this part during that fiscal year shall submit to the Attor-
24 ney General a report regarding the effectiveness of activi-
25 ties carried out using that grant. Each report shall include

1 an evaluation in such form and containing such informa-
2 tion as the Attorney General may reasonably require. The
3 Attorney General shall specify the dates on which such
4 reports shall be submitted.

5 **“SEC. 2906. DEFINITIONS.**

6 “In this part:

7 “(1) The term ‘State or local prosecutor’ means
8 any district attorney, State attorney general, county
9 attorney, or corporation counsel who has authority
10 to prosecute criminal offenses under State or local
11 law.

12 “(2) The term ‘eligible offender’ means an indi-
13 vidual who—

14 “(A) has been convicted of, or pled guilty
15 to, or admitted guilt with respect to a crime for
16 which a sentence of imprisonment is required
17 and has not completed such sentence;

18 “(B) has never been convicted of, or pled
19 guilty to, or admitted guilt with respect to, and
20 is not presently charged with, a felony crime of
21 violence or a major drug offense or a crime that
22 is considered a violent felony under State or
23 local law; and

24 “(C) has been found by a professional sub-
25 stance abuse screener to be in need of sub-

1 stance abuse treatment because that offender
 2 has a history of substance abuse that is a sig-
 3 nificant contributing factor to that offender’s
 4 criminal conduct.

5 “(3) The term ‘felony crime of violence’ has the
 6 meaning given such term in section 924(c)(3) of title
 7 18, United States Code.

8 “(4) The term ‘major drug offense’ has the
 9 meaning given such term in section 36(a) of title 18,
 10 United States Code.”.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 12 1001(a) of title I of the Omnibus Crime Control and Safe
 13 Street Act of 1968 (42 U.S.C. 3793(a)) is amended by
 14 adding at the end the following new paragraph:

15 “(24) There are authorized to be appropriated
 16 to carry out part AA—

17 “(A) \$75,000,000 for fiscal year 2002;

18 “(B) \$85,000,000 for fiscal year 2003;

19 “(C) \$95,000,000 for fiscal year 2004;

20 “(D) \$105,000,000 for fiscal year 2005;

21 and

22 “(E) \$125,000,000 for fiscal year 2006.”.

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