

107TH CONGRESS
1ST SESSION

S. 317

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2001

Mr. SCHUMER (for himself and Mr. THURMOND) introduced the following bill;
which was read twice and 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 AA—PROSECUTION DRUG TREATMENT**
 5 **ALTERNATIVE TO PRISON PROGRAMS**

6 **“SEC. 2701. 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.

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

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

12 **“SEC. 2702. PROGRAM REQUIREMENTS.**

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

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

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

21 “(3) Each eligible offender who participates in
22 the program shall, as an alternative to incarceration,
23 be sentenced to or placed with a long term, drug
24 free residential substance abuse treatment provider
25 that is licensed under State or local law.

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

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

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

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

17 “(6) The program shall have an enforcement
18 unit comprised of law enforcement officers under the
19 supervision of the State or local prosecutor carrying
20 out the program, the duties of which shall include
21 verifying an offender’s addresses and other contacts,
22 and, if necessary, locating, apprehending, and ar-
23 resting an offender who has absconded from the fa-
24 cility of a residential substance abuse treatment pro-
25 vider or otherwise violated the terms and conditions

1 of the program, and returning such offender to court
2 for sentence on the underlying crime.

3 **“SEC. 2703. APPLICATIONS.**

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

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

13 **“SEC. 2704. GEOGRAPHIC DISTRIBUTION.**

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

17 “(1) in each State; and

18 “(2) in rural, suburban, and urban jurisdic-
19 tions.

20 **“SEC. 2705. REPORTS AND EVALUATIONS.**

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

tion as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

“SEC. 2706. DEFINITIONS.

“In this part:

“(1) ELIGIBLE OFFENDER.—The term ‘eligible offender’ means an individual who—

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

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

“(C) has been found by a professional substance abuse screener to be in need of substance abuse treatment because that offender has a history of substance abuse that is a significant contributing factor to that offender’s criminal conduct.

“(2) FELONY CRIME OF VIOLENCE.—The term ‘felony crime of violence’ has the meaning given such

1 term in section 924(c)(3) of title 18, United States
2 Code.

3 “(3) MAJOR DRUG OFFENSE.—The term ‘major
4 drug offense’ has the meaning given such term in
5 section 36(a) of title 18, United States Code.

6 “(4) STATE OR LOCAL PROSECUTOR.—The
7 term ‘State or local prosecutor’ means any district
8 attorney, State attorney general, county attorney, or
9 corporation counsel who has authority to prosecute
10 criminal offenses under State or local law.”.

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.”.

○