

109TH CONGRESS
1ST SESSION

H. R. 3739

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to improve the Department of Justice drug court grant program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2005

Mr. BOOZMAN (for himself and Mr. SOUDER) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to improve the Department of Justice drug court grant program, 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. SHORT TITLE.**

4 This Act may be cited as the “Drug Courts Improve-
5 ment Act of 2005”.

1 **SEC. 2. IMPROVEMENTS TO DEPARTMENT OF JUSTICE**
2 **DRUG COURT GRANT PROGRAM.**

3 Section 2951 of the Omnibus Crime Control and Safe
4 Streets Act of 1968 (42 U.S.C. 3797u) is amended by
5 adding at the end the following new subsections:

6 “(c) MANDATORY DRUG TESTING AND MANDATORY
7 SANCTIONS.—

8 “(1) MANDATORY TESTING.—Grant amounts
9 under this part may be used for a drug court only
10 if the drug court has mandatory periodic testing as
11 described in subsection (a)(3)(A). The Attorney
12 General shall, by prescribing guidelines or regula-
13 tions, specify standards for the testing. The stand-
14 ards—

15 “(A) shall ensure that—

16 “(i) each participant is tested for
17 every controlled substance or addictive sub-
18 stance that the participant has been known
19 to abuse, and for every other commonly
20 used controlled substance or addictive sub-
21 stance; and

22 “(ii) the testing is as accurate as
23 practicable; and

24 “(B) may specify the regularity of the test-
25 ing.

1 “(2) MANDATORY SANCTIONS.—Grant amounts
2 under this part may be used for a drug court only
3 if the drug court imposes immediate and dramatic
4 punitive sanctions, therapeutic measures, or both
5 whenever a participant fails a drug test. Such sanc-
6 tions and measures may include, but are not limited
7 to, one or more of the following:

8 “(A) Incarceration.

9 “(B) Detoxification treatment.

10 “(C) Residential treatment.

11 “(D) Increased time in program.

12 “(E) Termination from the program.

13 “(F) Increased drug screening require-
14 ments.

15 “(G) Increased court appearances.

16 “(H) Increased counseling.

17 “(I) Increased supervision.

18 “(J) Electronic monitoring.

19 “(K) In-home restriction.

20 “(L) Community service.

21 “(M) Family counseling.

22 “(N) Anger management classes.

23 “(O) Public apology (in written form,
24 verbal form, or both).

1 “(d) HEARINGS IN PUBLIC PLACES.—Grant amounts
2 under this part may be used by a drug court to carry out
3 programs under which the court holds hearings in public
4 places such as schools. Under such a program, the grant
5 amounts may be used for expenses such as audio visual
6 equipment, costs associated with televising or broadcasting
7 court proceedings, security, educational supplies, and port-
8 able equipment. For each fiscal year, the Attorney General
9 shall set aside a portion of the amounts made available
10 for that fiscal year for programs under this subsection.”.

○