

110TH CONGRESS
2D SESSION

S. 3379

To provide grants to establish veteran's treatment courts.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2008

Mr. KERRY (for himself, Ms. MURKOWSKI, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide grants to establish veteran's treatment courts.

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 “Services, Education,
5 and Rehabilitation for Veterans Act” or the “SERV Act”.

6 **SEC. 2. VETERAN'S TREATMENT COURTS.**

7 (a) DELEGATION.—The Director of the Office of Na-
8 tional Drug Control Policy (referred to in this Act as the
9 “Director”) shall delegate the authority to administer the
10 program and other such activities necessary to carry out
11 this Act to the Department of Justice.

1 (b) GRANTS.—The Attorney General may make
2 grants to States, State courts, local courts, units of local
3 government, and Indian tribal governments acting directly
4 or through agreements with other public or private enti-
5 ties, for the purpose of developing, implementing, or en-
6 hancing veteran’s treatment courts or expanding oper-
7 ational drug courts to serve veterans.

8 (c) ELIGIBILITY.—Grants under this Act shall be
9 made to veteran’s treatment courts and drug courts serv-
10 ing veterans that effectively integrate substance abuse
11 treatment, mental health treatment, mandatory drug test-
12 ing, sanctions and incentives, and transitional services, in
13 a judicially supervised court setting with jurisdiction over
14 nonviolent, substance-abusing offenders that have served
15 in the United States military.

16 **SEC. 3. GRANT AUTHORITY.**

17 The Attorney General may make grants to States,
18 State courts, local courts, units of local government, and
19 Indian tribal governments, acting directly or through
20 agreements with other public or private entities, for pro-
21 grams that involve—

22 (1) continuing judicial supervision over offend-
23 ers with substance abuse or mental health problems
24 who are not violent offenders and have served in the
25 United States military; and

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

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

7 (B) substance abuse and mental health
8 treatment (such as treatment for depression
9 and post-traumatic stress disorder) for each
10 participant;

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

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

22 **SEC. 4. APPLICATIONS.**

23 (a) IN GENERAL.—To request a grant under this
24 Act, a State, State court, local court, unit of local govern-
25 ment, or Indian tribal government shall submit an applica-

1 tion to the Attorney General in such form and containing
2 such information as the Attorney General may reasonably
3 require.

4 (b) APPLICATIONS.—In addition to any other require-
5 ments that may be specified by the Attorney General, an
6 application for a grant under this Act shall—

7 (1) include a long-term strategy and detailed
8 implementation plan;

9 (2) explain the applicant's inability to fund the
10 program adequately without Federal assistance;

11 (3) certify that the Federal support provided
12 will be used to supplement, and not supplant, State,
13 Indian tribal, and local sources of funding that
14 would otherwise be available;

15 (4) identify related governmental or community
16 initiatives which complement or will be coordinated
17 with the proposal;

18 (5) certify that there has been appropriate con-
19 sultation with all affected agencies, specifically the
20 Department of Veterans Affairs and the Department
21 of Health and Human Services, and that there will
22 be appropriate coordination with all affected agen-
23 cies in the implementation of the program;

24 (6) certify that participating offenders will be
25 supervised by 1 or more designated judges with re-

1 sponsibility for the veteran's treatment court pro-
2 gram;

3 (7) specify plans for obtaining necessary sup-
4 port and continuing the proposed program following
5 the conclusion of Federal support; and

6 (8) describe the methodology that will be used
7 in evaluating the program.

8 (c) CERTIFICATIONS.—Each such application shall
9 contain the certification that the program for which the
10 grant is requested shall meet each of the requirements of
11 this Act.

12 **SEC. 5. FEDERAL SHARE.**

13 The Federal share of a grant made under this Act
14 may not exceed 75 percent of the total costs of the pro-
15 gram described in the application submitted under section
16 4 for the fiscal year for which the program receives assist-
17 ance under this Act, unless the Attorney General waives,
18 wholly or in part, the requirement of a matching contribu-
19 tion under this section. In-kind contributions may con-
20 stitute a portion of the non-Federal share of a grant.

21 **SEC. 6. REPORTS AND EVALUATIONS.**

22 (a) REPORT TO ATTORNEY GENERAL AND THE DI-
23 RECTOR.—For each fiscal year, each recipient of a grant
24 under this Act during that fiscal year shall submit to the
25 Attorney General, the Director, and the Secretary for Vet-

1 erans Affairs a report regarding the effectiveness of activi-
2 ties carried out using that grant. Each report shall include
3 an evaluation in such form and containing such informa-
4 tion as the Attorney General may reasonably require. The
5 Attorney General shall specify the dates on which such
6 reports shall be submitted.

7 (b) REPORT TO CONGRESS.—The Director, in con-
8 sultation with the Attorney General, shall submit a yearly
9 report on the effectiveness on the activities carried out
10 under this Act to the House and Senate Committees on
11 the Judiciary and the House and Senate Committees on
12 Veterans Affairs.

13 **SEC. 7. DEFINITIONS.**

14 In this Act:

15 (1) VETERAN.—The term “veteran” means a
16 person who served in the active military, naval, or
17 air service, and who was discharged or released
18 therefrom under conditions other than dishonorable.

19 (2) VETERAN’S TREATMENT COURT.—The term
20 “veteran’s treatment court” means a program spe-
21 cifically for veterans that meets the drug court cri-
22 teria established by the Violent Crime Control and
23 Law Enforcement Act of 1994 (Public Law 103–
24 322).

1 (3) VIOLENT OFFENDER.—The term “violent
2 offender” means a person who—

3 (A) is charged with or convicted of an of-
4 fense, during the course of which offense or
5 conduct—

6 (i) the person carried, possessed, or
7 used a firearm or dangerous weapon;

8 (ii) there occurred the death of or se-
9 rious bodily injury to any person; or

10 (iii) there occurred the use of force
11 against the person of another, without re-
12 gard to whether any of the circumstances
13 described in clause (i) or (ii) is an element
14 of the offense or conduct of which or for
15 which the person is charged or convicted.

16 (B) has 1 or more prior convictions for a
17 felony crime of violence involving the use or at-
18 tempted use of force against a person with the
19 intent to cause death or serious bodily harm.

20 **SEC. 8. ADMINISTRATION.**

21 (a) CONSULTATION.—The Attorney General shall
22 consult with the Secretary of Veterans Affairs, the Sec-
23 retary of Health and Human Services, and any other ap-
24 propriate officials in carrying out this Act.

25 (b) REGULATORY AUTHORITY.—

1 (1) IN GENERAL.—The Attorney General may
2 issue regulations and guidelines necessary to carry
3 out this Act.

4 (2) PARTICIPATION LIMITS.—In addition to
5 the general authority provided under paragraph (1),
6 the Attorney General shall—

7 (A) issue regulations and guidelines to en-
8 sure that programs authorized in this Act do
9 not permit participation by violent offenders;
10 and

11 (B) immediately suspend funding for any
12 grant under this part, pending compliance, if
13 the Attorney General finds that violent offend-
14 ers are participating in any program funded
15 under this part.

16 (c) GEOGRAPHIC DISTRIBUTION.—The Attorney
17 General shall ensure that, to the extent practicable, an eq-
18 uitable geographic distribution of grant awards is made
19 under this Act.

20 **SEC. 9. TECHNICAL ASSISTANCE, TRAINING, AND EVALUA-**
21 **TION.**

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

1 (b) EVALUATIONS.—The Attorney General may pro-
2 vide for evaluations in furtherance of the purposes of this
3 Act.

4 **SEC. 10. FUNDING FOR THE NATIONAL DRUG COURT INSTI-**
5 **TUTE.**

6 (a) COMPREHENSIVE, NATIONAL TRAINING AND
7 TECHNICAL ASSISTANCE FOR DRUG COURTS.—The Na-
8 tional Drug Court Institute in Alexandria, Virginia shall—

9 (1) conduct national, comprehensive training
10 programs for State and local communities for the
11 purpose of improving the professional skills of drug
12 court practitioners and enhancing the ability of
13 State and local communities to expand drug courts
14 to reach all addicted citizens in need of their re-
15 sources; and

16 (2) provide national, comprehensive Technical
17 Assistance to adult, juvenile and family dependency
18 drug courts including a combination of information
19 gathering, needs assessment, cultural proficiency,
20 analysis, problem solving, action planning, referral
21 and follow-up.

22 (b) ANCILLARY PROJECTS.—The National Drug
23 Court Institute in Alexandria, Virginia shall complete an-
24 cillary programs designed to facilitate the expansion and
25 improvement of drug courts nationwide including—

1 (1) a Judicial Task Force to develop a transi-
2 tion plan for new drug court judges;

3 (2) a resource center to maintain and distribute
4 drug court evaluations reviewed in the National
5 Drug Court Institute Review, and to request new re-
6 search and evaluations for the drug court field;

7 (3) publishing annually the National Drug
8 Court Institute Review to provide research, analysis,
9 and commentary of importance to the drug court
10 field; and

11 (4) searching drug court literature and identify,
12 reprint, and disseminate important and relevant
13 scholarship to the drug court field.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to the Attorney General
16 to carry out this section \$10,000,000 for each of the fiscal
17 years 2009 through 2014 to remain available until ex-
18 pended.

19 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

20 Except for section 10, there are authorized to be ap-
21 propriated to the Director to carry out this Act
22 \$25,000,000 for each of fiscal years 2009 to 2014.

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