

103D CONGRESS  
1ST SESSION

# S. 744

To provide for drug testing of Federal prisoners on release from prison.

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## IN THE SENATE OF THE UNITED STATES

APRIL 2 (legislative day, MARCH 3), 1993

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

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## A BILL

To provide for drug testing of Federal prisoners on release from prison.

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. FEDERAL PRISONER DRUG TESTING.**

4 (a) CONDITIONS OF PROBATION.—Section 3563(a) of  
5 title 18, United States Code, is amended—

6 (1) by striking “and” at the end of paragraph  
7 (2);

8 (2) by striking the period at the end of para-  
9 graph (3) and inserting “; and”;

10 (3) by inserting after paragraph (3) the follow-  
11 ing new paragraph:

1           “(4) for a felony, a misdemeanor, or an infrac-  
2           tion, that the defendant refrain from any unlawful  
3           use of a controlled substance and submit to 1 drug  
4           test within 15 days before or after release on proba-  
5           tion and at least 2 periodic drug tests thereafter (as  
6           determined by the court) for use of a controlled sub-  
7           stance.”; and

8           (4) by adding at the end the following: “The re-  
9           sults of a drug test administered in accordance with  
10          paragraph (4) shall be subject to confirmation only  
11          if the results are positive, the defendant is subject  
12          to further imprisonment for failing the test, and ei-  
13          ther the defendant denies the accuracy of the test or  
14          there is another reason to question the results of the  
15          test. A drug test confirmation shall be a urine drug  
16          test confirmed using gas chromatography/mass spec-  
17          trometry techniques or such test as the Director of  
18          the Administrative Office of the United States  
19          Courts, after consultation with the Secretary of  
20          Health and Human Services, may determine to be of  
21          equivalent accuracy. The court shall consider the  
22          availability of appropriate substance abuse treatment  
23          programs when considering action against a defend-  
24          ant who fails a drug test.”.

1 (b) CONDITIONS ON SUPERVISED RELEASE.—Section  
2 3583(d) of title 18, United States Code, is amended in  
3 the first sentence—

4 (1) by striking “and that” and inserting “,  
5 that”; and

6 (2) by striking the period and inserting “, and  
7 that the defendant refrain from any unlawful use of  
8 a controlled substance and submit to a drug test  
9 within 15 days before or after release on supervised  
10 release and at least 2 periodic drug tests thereafter  
11 (as determined by the court) for use of a controlled  
12 substance. The results of a drug test administered  
13 in accordance with the preceding sentence shall be  
14 subject to confirmation only if the results are posi-  
15 tive, the defendant is subject to further imprison-  
16 ment for failing the test, and either the defendant  
17 denies the accuracy of the test or there is another  
18 reason to question the results of the test. A drug  
19 test confirmation shall be a urine drug test con-  
20 firmed using gas chromatography/mass spectrometry  
21 techniques or such test as the Director of the Ad-  
22 ministrative Office of the United States Courts,  
23 after consultation with the Secretary of Health and  
24 Human Services, may determine to be of equivalent  
25 accuracy. The court shall consider the availability of

1 appropriate substance abuse treatment programs  
2 when considering action against a defendant who  
3 fails a drug test.”.

4 (c) CONDITIONS OF PAROLE.—Section 4209(a) of  
5 title 18, United States Code, as in effect pursuant to sec-  
6 tion 235(b)(1)(A) of the Comprehensive Crime Control  
7 Act of 1984 and section 316 of the Judicial Improvements  
8 Act of 1990 (18 U.S.C. 4201 note), is amended—

9 (1) in the first sentence by striking “. and” and  
10 inserting “, that the parolee pass a drug test prior  
11 to release and refrain from any unlawful use of a  
12 controlled substance and submit to at least 2 peri-  
13 odic drug tests (as determined by the Commission)  
14 for use of a controlled substance, and”;

15 (2) by inserting after the first sentence the fol-  
16 lowing: “The results of a drug test administered in  
17 accordance with the preceding sentence shall be sub-  
18 ject to confirmation only if the results are positive,  
19 the parolee is subject to further imprisonment for  
20 failing the test, and either the parolee denies the ac-  
21 curacy of the test or there is another reason to ques-  
22 tion the results of the test. A drug test confirmation  
23 shall be a urine drug test confirmed using gas chro-  
24 matography/mass spectrometry techniques or such  
25 test as the Director of the Administrative Office of

1 the United States Courts, after consultation with the  
2 Secretary of Health and Human Services, may de-  
3 termine to be of equivalent accuracy. The Commis-  
4 sion shall consider the availability of appropriate  
5 substance abuse treatment programs when consider-  
6 ing action against a parolee who fails a drug test.”.

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