

106TH CONGRESS
2D SESSION

H. R. 4493

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

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2000

Mr. MICA (for himself, Mr. BALLENGER, Mr. GILMAN, Mr. GOSS, Ms. GRANGER, Mr. HUTCHINSON, Mr. KINGSTON, Mr. LATHAM, Mr. MCCOLLUM, Mr. PORTMAN, Mr. WAMP, and Mr. WOLF) 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 2000”.

1 **SEC. 2. DRUG TREATMENT ALTERNATIVE TO PRISON PRO-**
2 **GRAMS ADMINISTERED BY STATE OR LOCAL**
3 **PROSECUTORS.**

4 (a) PROSECUTION DRUG TREATMENT ALTERNATIVE
5 TO PRISON PROGRAMS.—Title I of the Omnibus Crime
6 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
7 et seq.) is amended by adding at the end the following
8 new part:

9 **“PART AA—PROSECUTION DRUG TREATMENT**
10 **ALTERNATIVE TO PRISON PROGRAMS**
11 **“SEC. 2701. PROGRAM AUTHORIZED.**

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

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

23 “(1) Salaries, personnel costs, equipment costs,
24 and other costs directly related to the operation of
25 the program, including the enforcement unit.

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

6 “(3) Payments to public and nonprofit private
7 entities for providing treatment to offenders partici-
8 pating in the program for which the grant was
9 made.

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

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

17 **“SEC. 2702. PROGRAM REQUIREMENTS.**

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

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

23 “(2) An eligible offender may participate in the
24 program only with the consent of the State or local
25 prosecutor.

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

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

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

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

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

22 “(6) The program shall have an enforcement
23 unit comprised of law enforcement officers under the
24 supervision of the State or local prosecutor carrying
25 out the program, the duties of which shall include

1 verifying an offender’s addresses and other contacts,
2 and, if necessary, locating, apprehending, and ar-
3 resting an offender who has absconded from the fa-
4 cility of a residential substance abuse treatment pro-
5 vider or otherwise violated the terms and conditions
6 of the program, and returning such offender to court
7 for sentence on the underlying crime.

8 **“SEC. 2703. APPLICATIONS.**

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

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

18 **“SEC. 2704. GEOGRAPHIC DISTRIBUTION.**

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

22 “(1) in each State; and

23 “(2) in rural, suburban, and urban jurisdic-
24 tions.

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

2 “For each fiscal year, each recipient of a grant under
3 this part during that fiscal year shall submit to the Attor-
4 ney General a report regarding the effectiveness of activi-
5 ties carried out using that grant. Each report shall include
6 an evaluation in such form and containing such informa-
7 tion as the Attorney General may reasonably require. The
8 Attorney General shall specify the dates on which such
9 reports shall be submitted.

10 **“SEC. 2706. DEFINITIONS.**

11 “In this part:

12 “(1) The term ‘State or local prosecutor’ means
13 any district attorney, State attorney general, county
14 attorney, or corporation counsel who has authority
15 to prosecute criminal offenses under State or local
16 law.

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

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

23 “(B) has never been convicted of, or pled
24 guilty to, or admitted guilt with respect to, and
25 is not presently charged with, a felony crime of
26 violence or a major drug offense or a crime that

1 is considered a violent felony under State or
2 local law; and

3 “(C) has been found by a professional sub-
4 stance abuse screener to be in need of sub-
5 stance abuse treatment because that offender
6 has a history of substance abuse that is a sig-
7 nificant contributing factor to that offender’s
8 criminal conduct.

9 “(3) The term ‘felony crime of violence’ has the
10 meaning given such term in section 924(c)(3) of title
11 18, United States Code.

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

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
16 1001(a) of title I of the Omnibus Crime Control and Safe
17 Street Act of 1968 (42 U.S.C. 3793(a)) is amended by
18 adding at the end the following new paragraph:

19 “(24) There are authorized to be appropriated
20 to carry out part AA—

21 “(A) \$75,000,000 for fiscal year 2000;

22 “(B) \$85,000,000 for fiscal year 2001;

23 “(C) \$95,000,000 for fiscal year 2002;

24 “(D) \$105,000,000 for fiscal year 2003;

25 and

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“(E) \$125,000,000 for fiscal year 2004.”.

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