

(Pub. L. 90-351, title I, §2804, as added Pub. L. 106-561, §2(c)(1), Dec. 21, 2000, 114 Stat. 2789; amended Pub. L. 107-273, div. B, title V, §5001(b)(4), Nov. 2, 2002, 116 Stat. 1814; Pub. L. 108-405, title III, §311(a), Oct. 30, 2004, 118 Stat. 2276.)

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-405, §311(a)(1), substituted “shall use the grant to do any one or more of the following:

“(1) To carry out”
for “shall use the grant to carry out” and added pars. (2) and (3).

Subsec. (b). Pub. L. 108-405, §311(a)(2), substituted “for the purpose set forth in subsection (a)(1) of this section” for “under this subchapter” in introductory provisions.

Subsec. (e). Pub. L. 108-405, §311(a)(3), added subsec. (e).

2002—Subsec. (a). Pub. L. 107-273, §5001(b)(4)(A), inserted “or unit of local government” after “A State”.

Subsec. (c)(1). Pub. L. 107-273, §5001(b)(4)(B), inserted “(including grants received by units of local government within a State)” after “under this subchapter”.

§ 3797n. Administrative provisions

(a) Regulations

The Attorney General may promulgate such guidelines, regulations, and procedures as may be necessary to carry out this subchapter, including guidelines, regulations, and procedures relating to the submission and review of applications for grants under section 3797k of this title.

(b) Expenditure records

(1) Records

Each State, or unit of local government within the State, that receives a grant under this subchapter shall maintain such records as the Attorney General may require to facilitate an effective audit relating to the receipt of the grant, or the use of the grant amount.

(2) Access

The Attorney General and the Comptroller General of the United States, or a designee thereof, shall have access, for the purpose of audit and examination, to any book, document, or record of a State, or unit of local government within the State, that receives a grant under this subchapter, if, in the determination of the Attorney General, Comptroller General, or designee thereof, the book, document, or record is related to the receipt of the grant, or the use of the grant amount.

(Pub. L. 90-351, title I, §2805, as added Pub. L. 106-561, §2(c)(1), Dec. 21, 2000, 114 Stat. 2790.)

§ 3797o. Reports

(a) Reports to Attorney General

For each fiscal year for which a grant is awarded under this subchapter, each State or unit of local government that receives such a grant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, which report shall include—

(1) a summary and assessment of the program carried out with the grant, which shall include a comparison of pre-grant and post-grant forensic science capabilities;

(2) the average number of days between submission of a sample to a forensic science laboratory or forensic science laboratory system in that State operated by the State or by a unit of local government and the delivery of test results to the requesting office or agency;

(3) an identification of the number and type of cases currently accepted by the laboratory; and

(4) such other information as the Attorney General may require.

(b) Reports to Congress

Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this subchapter, the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report, which shall include—

(1) the aggregate amount of grants awarded under this subchapter for that fiscal year; and

(2) a summary of the information provided under subsection (a) of this section.

(Pub. L. 90-351, title I, §2806, as added Pub. L. 106-561, §2(c)(1), Dec. 21, 2000, 114 Stat. 2790; amended Pub. L. 107-273, div. B, title V, §5001(b)(5), Nov. 2, 2002, 116 Stat. 1814.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-273, §5001(b)(5)(A), inserted “or unit of local government” after “each State” in introductory provisions.

Subsec. (a)(1). Pub. L. 107-273, §5001(b)(5)(B), inserted “, which shall include a comparison of pre-grant and post-grant forensic science capabilities” before semicolon at end.

Subsec. (a)(3), (4). Pub. L. 107-273, §5001(b)(5)(C)–(E), added par. (3) and redesignated former par. (3) as (4).

SUBCHAPTER XV-A—PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAM

§ 3797q. Grant authority

(a) In general

The Attorney General may make grants to State, Tribal, and local prosecutors to develop, implement, or expand qualified drug treatment programs that are alternatives to imprisonment, in accordance with this subchapter.

(b) Qualified drug treatment programs described

For purposes of this subchapter, a qualified drug treatment program is a program—

(1) that is administered by a State, Tribal, or local prosecutor;

(2) that requires an eligible offender who is sentenced to participate in the program (instead of incarceration) to participate in a comprehensive substance abuse treatment program that is approved by the State or Indian Tribe and licensed, if necessary, to provide medical and other health services;

(3) that requires an eligible offender to receive the consent of the State, Tribal, or local prosecutor involved to participate in such program;

(4) that, in the case of an eligible offender who is sentenced to participate in the program, requires the offender to serve a sentence of imprisonment with respect to the crime in-

volved if the prosecutor, in conjunction with the treatment provider, determines that the offender has not successfully completed the relevant substance abuse treatment program described in paragraph (2);

(5) that provides for the dismissal of the criminal charges involved in an eligible offender's participation in the program if the offender is determined to have successfully completed the program;

(6) that requires each substance abuse provider treating an eligible offender under the program to—

(A) make periodic reports of the progress of the treatment of that offender to the State, Tribal, or local prosecutor involved and to the appropriate court in which the eligible offender was convicted; and

(B) notify such prosecutor and such court if the eligible offender absconds from the facility of the treatment provider or otherwise violates the terms and conditions of the program, consistent with Federal and State confidentiality requirements; and

(7) that has an enforcement unit comprised of law enforcement officers under the supervision of the State, Tribal, or local prosecutor involved, the duties of which shall include verifying an eligible offender's addresses and other contacts, and, if necessary, locating, apprehending, and arresting an eligible offender who has absconded from the facility of a substance abuse treatment provider or otherwise violated the terms and conditions of the program, consistent with Federal and State confidentiality requirements, and returning such eligible offender to court for sentencing for the crime involved.

(Pub. L. 90-351, title I, §2901, as added Pub. L. 110-199, title I, §112(a), Apr. 9, 2008, 122 Stat. 672.)

CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 17504 of this title.

§ 3797q-1. Use of grant funds

(a) In general

A State, Tribal, or local prosecutor that receives a grant under this subchapter shall use such grant for expenses of a qualified drug treatment program, including for the following expenses:

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

(2) Payments for substance abuse treatment providers that are approved by the State or Indian Tribe and licensed, if necessary, to provide alcohol and drug addiction treatment to eligible offenders participating in the program, including aftercare supervision, vocational training, education, and job placement.

(3) Payments to public and nonprofit private entities that are approved by the State or Indian Tribe and licensed, if necessary, to provide alcohol and drug addiction treatment to offenders participating in the program.

(b) Supplement and not supplant

Grants made under this subchapter shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for programs described in this subchapter.

(Pub. L. 90-351, title I, §2902, as added Pub. L. 110-199, title I, §112(a), Apr. 9, 2008, 122 Stat. 672.)

CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 17504 of this title.

§ 3797q-2. Applications

To request a grant under this subchapter, a State, Tribal, or local prosecutor shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require. Each such application shall contain the certification by the State, Tribal, or local prosecutor that the program for which the grant is requested is a qualified drug treatment program, in accordance with this subchapter.

(Pub. L. 90-351, title I, §2903, as added Pub. L. 110-199, title I, §112(a), Apr. 9, 2008, 122 Stat. 673.)

CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 17504 of this title.

§ 3797q-3. Federal share

(a) Matching requirement

The Federal share of a grant under this subchapter may not exceed 50 percent of the total costs of the qualified drug treatment program funded under such grant.

(b) In-kind contributions

(1) In general

Subject to paragraph (2), the recipient of a grant under this subchapter may meet the matching requirement under subsection (a) by making in-kind contributions of goods or services that are directly related to the purpose for which such grant was awarded.

(2) Maximum percentage

Not more than 50 percent of the amount provided by a recipient of a grant under this subchapter to meet the matching requirement under subsection (a) may be provided through in-kind contributions under paragraph (1).

(Pub. L. 90-351, title I, §2904, as added Pub. L. 110-199, title I, §112(a), Apr. 9, 2008, 122 Stat. 673.)

CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 17504 of this title.

§ 3797q-4. Geographic distribution

The Attorney General shall ensure that, to the extent practicable, the distribution of grants under this subchapter is equitable and includes State, Tribal, or local prosecutors—

(1) in each State; and

(2) in rural, suburban, Tribal, and urban jurisdictions.