

by the State or Indian Tribe and are licensed, if necessary, to provide medical and other health services.

(2) The program shall ensure appropriate coordination and consultation with the Single State Authority for Substance Abuse of the State (as that term is defined in section 17521(e) of this title).

(3) The program shall consist of clinically-appropriate, comprehensive, and long-term family treatment, including the treatment of the nonviolent parent drug offender, the child of such offender, and any other appropriate member of the family of the offender.

(4) The program shall be provided in a residential setting that is not a hospital setting or an intensive outpatient setting.

(5) The program shall provide that if a nonviolent parent drug offender who participates in that program does not successfully complete the program the offender shall serve an appropriate sentence of imprisonment with respect to the underlying crime involved.

(6) The program shall ensure that a determination is made as to whether a nonviolent drug offender has completed the substance abuse treatment program.

(7) The program shall include the implementation of a system of graduated sanctions (including incentives) that are applied based on the accountability of the nonviolent parent drug offender involved throughout the course of that program to encourage compliance with that program.

(8) The program shall develop and implement a reentry plan for each participant.

(b) Prison-based programs

A program for which a grant is made under section 3797s(2) of this title shall comply with the following requirements:

(1) The program shall integrate techniques to assess the strengths and needs of immediate and extended family of the incarcerated parent to support a treatment plan of the incarcerated parent.

(2) The program shall ensure that each participant in that program has access to consistent and uninterrupted care if transferred to a different correctional facility within the State or other relevant entity.

(3) The program shall be located in an area separate from the general population of the prison.

(Pub. L. 90-351, title I, §2923, as added Pub. L. 110-199, title I, §113, Apr. 9, 2008, 122 Stat. 675.)

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.

§ 3797s-3. Applications

(a) In general

An entity described in section 3797s of this title desiring a grant under this subchapter shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General requires.

(b) Contents

An application under subsection (a) shall include a description of the methods and measure-

ments the applicant will use for purposes of evaluating the program involved.

(Pub. L. 90-351, title I, §2924, as added Pub. L. 110-199, title I, §113, Apr. 9, 2008, 122 Stat. 676.)

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.

§ 3797s-4. Reports

An entity that receives a grant under this subchapter during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of that program during such fiscal year that—

(1) is based on evidence-based data; and

(2) uses the methods and measurements described in the application of that entity for purposes of evaluating that program.

(Pub. L. 90-351, title I, §2925, as added Pub. L. 110-199, title I, §113, Apr. 9, 2008, 122 Stat. 676.)

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.

§ 3797s-5. Authorization of appropriations

(a) In general

There are authorized to be appropriated to carry out this subchapter \$10,000,000 for each of fiscal years 2009 and 2010.

(b) Use of amounts

Of the amount made available to carry out this subchapter in any fiscal year, not less than 5 percent shall be used for grants to Indian Tribes.

(Pub. L. 90-351, title I, §2926, as added Pub. L. 110-199, title I, §113, Apr. 9, 2008, 122 Stat. 676.)

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.

§ 3797s-6. Definitions

In this subchapter:

(1) Nonviolent parent drug offender

The term “nonviolent parent drug offender” means an offender who is—

(A) a parent of an individual under 18 years of age; and

(B) convicted of a drug (or drug-related) felony that is a nonviolent offense.

(2) Nonviolent offense

The term “nonviolent offense” has the meaning given that term in section 3797aa(a) of this title.

(3) Prison-based family treatment program

The term “prison-based family treatment program” means a program for incarcerated parents in a correctional facility that provides a comprehensive response to offender needs, including substance abuse treatment, child early intervention services, family counseling,

legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, physical therapy, prenatal care, sexual abuse therapy, relapse prevention, transportation, and vocational or GED training.

(Pub. L. 90-351, title I, §2927, as added Pub. L. 110-199, title I, §113, Apr. 9, 2008, 122 Stat. 676.)

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.

SUBCHAPTER XVI—DRUG COURTS

CODIFICATION

Pub. L. 107-273, div. B, title II, §2301(a), Nov. 2, 2002, 116 Stat. 1794, which directed that part EE (this subchapter) be inserted after part DD of title I of Pub. L. 90-351, was executed by adding part EE to title I of Pub. L. 90-351 to reflect the probable intent of Congress, notwithstanding that title I of Pub. L. 90-351 did not contain a part DD.

§ 3797u. Grant authority

(a) In general

The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or private entities, for adult drug courts, juvenile drug courts, family drug courts, and tribal drug courts that involve—

(1) continuing judicial supervision over offenders, and other individuals under the jurisdiction of the court, with substance abuse problems who are not violent offenders;

(2) coordination with the appropriate State or local prosecutor; and

(3) the integrated administration of other sanctions and services, which shall include—

(A) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

(B) substance abuse treatment for each participant;

(C) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress;

(D) offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support services for each participant who requires such services;

(E) payment, in whole or part, by the offender of treatment costs, to the extent practicable, such as costs for urinalysis or counseling; and

(F) payment, in whole or part, by the offender of restitution, to the extent practicable, to either a victim of the offender's offense or to a restitution or similar victim support fund.

(b) Limitation

Economic sanctions imposed on an offender pursuant to this section shall not be at a level

that would interfere with the offender's rehabilitation.

(c) Mandatory drug testing and mandatory sanctions

(1) Mandatory testing

Grant amounts under this subchapter may be used for a drug court only if the drug court has mandatory periodic testing as described in subsection (a)(3)(A). The Attorney General shall, by prescribing guidelines or regulations, specify standards for the timing and manner of complying with such requirements. The standards—

(A) shall ensure that—

(i) each participant is tested for every controlled substance that the participant has been known to abuse, and for any other controlled substance the Attorney General or the court may require; and

(ii) the testing is accurate and practicable; and

(B) may require approval of the drug testing regime to ensure that adequate testing occurs.

(2) Mandatory sanctions

The Attorney General shall, by prescribing guidelines or regulations, specify that grant amounts under this subchapter may be used for a drug court only if the drug court imposes graduated sanctions that increase punitive measures, therapeutic measures, or both whenever a participant fails a drug test. Such sanctions and measures may include, but are not limited to, one or more of the following:

(A) Incarceration.

(B) Detoxification treatment.

(C) Residential treatment.

(D) Increased time in program.

(E) Termination from the program.

(F) Increased drug screening requirements.

(G) Increased court appearances.

(H) Increased counseling.

(I) Increased supervision.

(J) Electronic monitoring.

(K) In-home restriction.

(L) Community service.

(M) Family counseling.

(N) Anger management classes.

(Pub. L. 90-351, title I, §2951, as added Pub. L. 107-273, div. B, title II, §2301(a), Nov. 2, 2002, 116 Stat. 1794; amended Pub. L. 109-162, title XI, §1143, Jan. 5, 2006, 119 Stat. 3111; Pub. L. 109-177, title VII, §751, Mar. 9, 2006, 120 Stat. 273.)

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-162 substituted “offenders, and other individuals under the jurisdiction of the court, with substance abuse problems” for “offenders with substance abuse problems”.

Subsec. (c). Pub. L. 109-177 added subsec. (c).

STUDY BY THE GOVERNMENT ACCOUNTABILITY OFFICE

Pub. L. 107-273, div. B, title II, §2303, Nov. 2, 2002, 116 Stat. 1799, provided that:

“(a) IN GENERAL.—The Comptroller General of the United States shall study and assess the effectiveness and impact of grants authorized by part EE of title I of the Omnibus Crime Control and Safe Streets Act of 1968 [42 U.S.C. 3797u et seq.] as added by section 2401 [2301] and report to Congress the results of the study on or before January 1, 2005.