

(F) other appropriate social services; and

(5) establish and implement graduated sanctions and incentives.

**(c) Rule of construction**

Nothing in this section shall be construed as preventing a grantee that operates a drug court under subchapter XVI at the time a grant is awarded under this section from using funds from such grant to supplement such drug court in accordance with paragraphs (1) through (5) of subsection (b).

**(d) Application**

To be eligible for a grant under this section, an entity described in subsection (a) shall, in addition to any other requirements required by the Attorney General, submit to the Attorney General an application that—

(1) describes the program to be assisted under this section and the need for such program;

(2) describes a long-term strategy and detailed implementation plan for such program, including how the entity plans to pay for the program after the Federal funding is discontinued;

(3) identifies the governmental and community agencies that will be coordinated by the project;

(4) certifies that—

(A) all agencies affected by the program, including community corrections and parole entities, have been appropriately consulted in the development of the program;

(B) there will be appropriate coordination with all such agencies in the implementation of the program; and

(C) there will be appropriate coordination and consultation with the Single State Authority for Substance Abuse (as that term is defined in section 17521(e) of this title) of the State; and

(5) describes the methodology and outcome measures that will be used to evaluate the program.

**(e) Federal share**

**(1) Matching requirement**

The Federal share of a grant under this section may not exceed 50 percent of the program funded under such grant.

**(2) In-kind contributions**

**(A) In general**

Subject to subparagraph (B), the recipient of a grant under this section may meet the matching requirement under paragraph (1) by making in-kind contributions of goods or services that are directly related to the purpose for which such grant was awarded.

**(B) Maximum percentage**

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

**(3) Supplement not supplant**

Federal funds received under this section shall be used to supplement, not supplant,

non-Federal funds that would otherwise be available for the activities funded under this section.

**(f) Annual report**

Each entity receiving a grant under this section shall submit to the Attorney General, for each fiscal year in which funds from the grant are expended, a report, at such time and in such manner as the Attorney General may reasonably require, that contains—

(1) a summary of the activities carried out under the program assisted by the grant;

(2) an assessment of whether the activities are meeting the need for the program identified in the application submitted under subsection (d); and

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

**(g) Authorization of appropriations**

**(1) In general**

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

**(2) Limitations; equitable distribution**

**(A) Limitations**

Of the amount made available to carry out this section in any fiscal year—

(i) not more than 2 percent may be used by the Attorney General for salaries and administrative expenses; and

(ii) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.

**(B) Equitable distribution**

The Attorney General shall ensure that grants awarded under this section are equitably distributed among the geographical regions and between urban and rural populations, including Indian Tribes, consistent with the objective of reducing recidivism among criminal offenders.

(Pub. L. 90-351, title I, §2978, as added Pub. L. 110-199, title I, §111, Apr. 9, 2008, 122 Stat. 669.)

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 XVIII—CRIME FREE RURAL STATE GRANTS

**§ 3797y. Grant authority**

The Attorney General shall award grants to rural State criminal justice agencies, Byrne agencies, or other agencies as designated by the Governor of that State and approved by the Attorney General, to develop rural States' capacity to assist local communities in the prevention and reduction of crime, violence, and substance abuse.

(Pub. L. 90-351, title I, §2985, as added Pub. L. 107-273, div. C, title I, §11027(b), Nov. 2, 2002, 116 Stat. 1834.)

**§ 3797y-1. Use of funds**

**(a) In general**

A capacity building grant shall be used to develop a statewide strategic plan as described in

section 3797y-2 of this title to prevent and reduce crime, violence, and substance abuse.

**(b) Permissive use**

A rural State may also use its grant to provide training and technical assistance to communities and promote innovation in the development of policies, technologies, and programs to prevent and reduce crime.

**(c) Data collection**

A rural State may use up to 5 percent of the grant to assist grant recipients in collecting statewide data related to the costs of crime, violence, and substance abuse for purposes of supporting the statewide strategic plan.

(Pub. L. 90-351, title I, §2986, as added Pub. L. 107-273, div. C, title I, §11027(b), Nov. 2, 2002, 116 Stat. 1834.)

**§ 3797y-2. Statewide strategic prevention plan**

**(a) In general**

A statewide strategic prevention plan shall be used by the rural State to assist local communities, both directly and through existing State programs and services, in building comprehensive, strategic, and innovative approaches to reducing crime, violence, and substance abuse based on local conditions and needs.

**(b) Goals**

The plan must contain statewide long-term goals and measurable annual objectives for reducing crime, violence, and substance abuse.

**(c) Accountability**

The rural State shall be required to develop and report in its plan relevant performance targets and measures for the goals and objectives to track changes in crime, violence, and substance abuse.

**(d) Consultation**

The rural State shall form a State crime free communities commission that includes representatives of State and local government, and community leaders who will provide advice and recommendations on relevant community goals and objectives, and performance targets and measures.

(Pub. L. 90-351, title I, §2987, as added Pub. L. 107-273, div. C, title I, §11027(b), Nov. 2, 2002, 116 Stat. 1834.)

**§ 3797y-3. Requirements**

**(a) Training and technical assistance**

The rural State shall provide training and technical assistance, including through such groups as the National Crime Prevention Council, to assist local communities in developing Crime Prevention Plans that reflect statewide strategic goals and objectives, and performance targets and measures.

**(b) Reports**

The rural State shall provide a report on its statewide strategic plan to the Attorney General, including information about—

- (1) involvement of relevant State-level agencies to assist communities in the development and implementation of their Crime Prevention Plans;

- (2) support for local applications for Community Grants; and

- (3) community progress toward reducing crime, violence, and substance abuse.

**(c) Certification**

Beginning in the third year of the program, States must certify that the local grantee's project funded under the community grant is generally consistent with statewide strategic goals and objectives, and performance targets and measures.

(Pub. L. 90-351, title I, §2988, as added Pub. L. 107-273, div. C, title I, §11027(b), Nov. 2, 2002, 116 Stat. 1835.)

**§ 3797y-4. Authorization of appropriations**

There are authorized to be appropriated \$10,000,000 to carry out this subchapter for each of fiscal years 2003, 2004, and 2005.

(Pub. L. 90-351, title I, §2989, as added Pub. L. 107-273, div. C, title I, §11027(b), Nov. 2, 2002, 116 Stat. 1835.)

SUBCHAPTER XIX—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

**§ 3797aa. Adult and juvenile collaboration programs**

**(a) Definitions**

In this section, the following definitions shall apply:

**(1) Applicant**

The term “applicant” means States, units of local government, Indian tribes, and tribal organizations that apply for a grant under this section.

**(2) Collaboration program**

The term “collaboration program” means a program to promote public safety by ensuring access to adequate mental health and other treatment services for mentally ill adults or juveniles that is overseen cooperatively by—

- (A) a criminal or juvenile justice agency or a mental health court; and
- (B) a mental health agency.

**(3) Criminal or juvenile justice agency**

The term “criminal or juvenile justice agency” means an agency of a State or local government or its contracted agency that is responsible for detection, arrest, enforcement, prosecution, defense, adjudication, incarceration, probation, or parole relating to the violation of the criminal laws of that State or local government.

**(4) Diversion and alternative prosecution and sentencing**

**(A) In general**

The terms “diversion” and “alternative prosecution and sentencing” mean the appropriate use of effective mental health treatment alternatives to juvenile justice or criminal justice system institutional placements for preliminarily qualified offenders.

**(B) Appropriate use**

In this paragraph, the term “appropriate use” includes the discretion of the judge or