

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—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 involved 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.

(Pub. L. 90-351, title I, §2905, 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-5. Reports and evaluations

For each fiscal year, each recipient of a grant under this subchapter during that fiscal year shall submit to the Attorney General a report with respect to the effectiveness of activities carried out using that grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

(Pub. L. 90-351, title I, §2906, 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-6. Definitions

In this subchapter:

(1) State or local prosecutor

The term “State, Tribal, or local prosecutor” means any district attorney, State attorney general, county attorney, tribal attorney, or corporation counsel who has authority to prosecute criminal offenses under State, Tribal, or local law.

(2) Eligible offender

The term “eligible offender” means an individual who—

- (A) has been convicted, pled guilty, or admitted guilt with respect to a crime for which a sentence of imprisonment is required and has not completed such sentence;
- (B) has never been charged with or convicted of an offense, during the course of which—

- (i) the individual carried, possessed, or used a firearm or dangerous weapon; or
- (ii) there occurred the use of force against the person of another, without regard to whether any of the behavior described in clause (i) is an element of the offense or for which the person is charged or convicted;

(C) does not have 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm; and

(D)(i) has received an assessment for alcohol or drug addiction from a substance abuse professional who is approved by the State or Indian Tribe and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate; and

(ii) has been found to be in need of substance abuse treatment because that individual has a history of substance abuse that is a significant contributing factor to the criminal conduct of that individual.

(Pub. L. 90-351, title I, §2907, as added Pub. L. 110-199, title I, §112(a), Apr. 9, 2008, 122 Stat. 674.)

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 XV-B—GRANTS FOR FAMILY-BASED SUBSTANCE ABUSE TREATMENT**§ 3797s. Grants authorized**

The Attorney General may make grants to States, units of local government, territories, and Indian Tribes to—

- (1) develop, implement, and expand comprehensive and clinically-appropriate family-based substance abuse treatment programs as alternatives to incarceration for nonviolent parent drug offenders; and
- (2) to provide prison-based family treatment programs for incarcerated parents of minor children.

(Pub. L. 90-351, title I, §2921, as added Pub. L. 110-199, title I, §113, Apr. 9, 2008, 122 Stat. 674.)

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.