

REFERENCES IN TEXT

This Act, referred to in subsec. (i)(5)(A), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197, known as the Omnibus Crime Control and Safe Streets Act of 1968. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 3797q of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 2901 of title I of Pub. L. 90-351, as added Pub. L. 110-199, title I, §112(a), Apr. 9, 2008, 122 Stat. 672, authorized the Attorney General to make grants for qualified drug treatment programs as alternatives to imprisonment, prior to repeal by Pub. L. 114-255, div. B, title XIV, §14013, Dec. 13, 2016, 130 Stat. 1298.

SUBCHAPTER XXIX—GRANTS FOR FAMILY-BASED SUBSTANCE ABUSE TREATMENT

§ 10591. 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) to¹ provide prison-based family treatment programs for incarcerated parents of minor children or pregnant women.

(Pub. L. 90-351, title I, §2921, as added Pub. L. 110-199, title I, §113, Apr. 9, 2008, 122 Stat. 674; amended Pub. L. 114-198, title II, §201(c)(1), July 22, 2016, 130 Stat. 714.)

CODIFICATION

Section was formerly classified to section 3797s of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2016—Par. (2). Pub. L. 114-198 inserted before period at end “or pregnant women”.

CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 60504 of this title.

§ 10592. Use of grant funds

Grants made to an entity under section 10591 of this title for a program described in such section may be used for—

- (1) the development, implementation, and expansion of prison-based family treatment programs in correctional facilities for incarcerated parents with minor children (except for any such parent who there is reasonable evidence to believe engaged in domestic violence or child abuse);
- (2) the development, implementation, and expansion of residential substance abuse treatment;

(3) coordination between appropriate correctional facility representatives and the appropriate governmental agencies;

(4) payments to public and nonprofit private entities to provide substance abuse treatment to nonviolent parent drug offenders participating in that program; and

(5) salaries, personnel costs, facility costs, and other costs directly related to the operation of that program.

(Pub. L. 90-351, title I, §2922, as added Pub. L. 110-199, title I, §113, Apr. 9, 2008, 122 Stat. 675.)

CODIFICATION

Section was formerly classified to section 3797s-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 60504 of this title.

§ 10593. Program requirements

(a) In general

A program for which a grant is made under section 10591(1) of this title shall comply with the following requirements:

(1) The program shall ensure that all providers of substance abuse treatment are approved 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 60521(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 10591(2) of this title shall comply with the following requirements:

¹ So in original. The word “to” probably should not appear.

(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.)

CODIFICATION

Section was formerly classified to section 3797s-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 60504 of this title.

§ 10594. Applications

(a) In general

An entity described in section 10591 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 measurements 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.)

CODIFICATION

Section was formerly classified to section 3797s-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 60504 of this title.

§ 10595. 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.)

CODIFICATION

Section was formerly classified to section 3797s-4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 60504 of this title.

§ 10596. Definitions

In this subchapter:

(1) Nonviolent parent drug offender

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

(A) pregnant or 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” means an offense that—

(A) does not have as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

(B) is not a felony that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(3) Prison-based family treatment program

The term “prison-based family treatment program” means a program for incarcerated parents or pregnant women 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; amended Pub. L. 114-198, title II, §201(c)(2), July 22, 2016, 130 Stat. 714; Pub. L. 114-255, div. B, title XIV, §14028(b), Dec. 13, 2016, 130 Stat. 1312.)

CODIFICATION

Section was formerly classified to section 3797s-6 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

AMENDMENTS

2016—Par. (1)(A). Pub. L. 114-198, §201(c)(2)(A), inserted “pregnant or” before “a parent”.

Par. (2). Pub. L. 114-255 substituted “means an offense that—” and subpars. (A) and (B) for “has the meaning given that term in section 3797aa(a) of this title.”

Par. (3). Pub. L. 114-198, §201(c)(2)(B), inserted “or pregnant women” after “incarcerated parents”.

CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 60504 of this title.

SUBCHAPTER XXX—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 sub-