

carry out this subchapter for a fiscal year, not more than 80 percent of the total amount of the grant may be used for the costs of any new facility constructed as part of a program described in subsection (a).

(2) Other States

With respect to a State that receives a grant under this subchapter in an amount that exceeds 0.6 percent of the total amount made available to carry out this subchapter for a fiscal year—

(A) not more than 80 percent of the amount of the grant up to that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a); and

(B) not more than 40 percent of the amount of the grant in excess of that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a).

(d) Administrative costs

Not more than 10 percent of the total amount of a grant awarded under this subchapter may be used for administrative expenses.

(e) Backlog defined

For purposes of this section, a backlog in the analysis of forensic science evidence exists if such evidence—

(1) has been stored in a laboratory, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility; and

(2) has not been subjected to all appropriate forensic testing because of a lack of resources or personnel.

(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; Pub. L. 114-324, §9(a)(3), Dec. 16, 2016, 130 Stat. 1955.)

CODIFICATION

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

AMENDMENTS

2016—Subsec. (a)(2). Pub. L. 114-324, §9(a)(3)(A), inserted “impression evidence,” after “latent prints,” and “digital evidence, fire evidence,” after “toxicology.”

Subsec. (a)(3). Pub. L. 114-324, §9(a)(3)(B), inserted “and medicolegal death investigators” after “laboratory personnel”.

Subsec. (a)(4) to (6). Pub. L. 114-324, §9(a)(3)(C), added pars. (4) to (6).

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)” 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”.

§ 10565. 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 10562 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.)

CODIFICATION

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

§ 10566. 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;

(4) the progress of any unaccredited forensic science service provider receiving grant funds toward obtaining accreditation; and

(5) 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).

(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; Pub. L. 114–324, §9(a)(4), Dec. 16, 2016, 130 Stat. 1955.)

CODIFICATION

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

AMENDMENTS

2016—Subsec. (a)(4), (5). Pub. L. 114–324 added par. (4) and redesignated former par. (4) as (5).

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 XXVIII—MENTAL HEALTH AND DRUG TREATMENT ALTERNATIVES TO INCARCERATION PROGRAMS

CODIFICATION

Pub. L. 114–255, div. B, title XIV, §14013, Dec. 13, 2016, 130 Stat. 1298, substituted “MENTAL HEALTH AND DRUG TREATMENT ALTERNATIVES TO INCARCERATION PROGRAMS” for “PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAM” in subchapter heading.

§ 10581. Mental health and drug treatment alternatives to incarceration programs

(a) Definitions

In this section—

(1) the term “eligible entity” means a State, unit of local government, Indian tribe, or non-profit organization; and

(2) the term “eligible participant” means an individual who—

(A) comes into contact with the criminal justice system or is arrested or charged with an offense that is not—

(i) a crime of violence, as defined under applicable State law or in section 3156 of title 18; or

(ii) a serious drug offense, as defined in section 924(e)(2)(A) of title 18;

(B) has a history of, or a current—

(i) substance use disorder;

(ii) mental illness; or

(iii) co-occurring mental illness and substance use disorder; and

(C) has been approved for participation in a program funded under this section by the relevant law enforcement agency, prosecuting attorney, defense attorney, probation of-

ficial, corrections official, judge, representative of a mental health agency, or representative of a substance abuse agency, as required by law.

(b) Program authorized

The Attorney General may make grants to eligible entities to develop, implement, or expand a treatment alternative to incarceration program for eligible participants, including—

(1) pre-booking treatment alternative to incarceration programs, including—

(A) law enforcement training on substance use disorders, mental illness, and co-occurring mental illness and substance use disorders;

(B) receiving centers as alternatives to incarceration of eligible participants;

(C) specialized response units for calls related to substance use disorders, mental illness, or co-occurring mental illness and substance use disorders; and

(D) other arrest and pre-booking treatment alternatives to incarceration models; or

(2) post-booking treatment alternative to incarceration programs, including—

(A) specialized clinical case management;

(B) pre-trial services related to substances¹ use disorders, mental illness, and co-occurring mental illness and substance use disorders;

(C) prosecutor and defender based programs;

(D) specialized probation;

(E) treatment and rehabilitation programs; and

(F) problem-solving courts, including mental health courts, drug courts, co-occurring mental health and substance abuse courts, DWI courts, and veterans treatment courts.

(c) Application

(1) In general

An eligible entity desiring a grant under this section shall submit an application to the Attorney General—

(A) that meets the criteria under paragraph (2); and

(B) at such time, in such manner, and accompanied by such information as the Attorney General may require.

(2) Criteria

An eligible entity, in submitting an application under paragraph (1), shall—

(A) provide extensive evidence of collaboration with State and local government agencies overseeing health, community corrections, courts, prosecution, substance abuse, mental health, victims services, and employment services, and with local law enforcement agencies;

(B) demonstrate consultation with the Single State Authority for Substance Abuse of the State (as that term is defined in section 60521(e) of this title);

(C) demonstrate that evidence-based treatment practices will be utilized; and

¹ So in original. Probably should be “substance”.