

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. Repealed. Pub. L. 115-391, title V,
§ 504(g)(2), Dec. 21, 2018, 132 Stat. 5234**

Section, Pub. L. 90-351, title I, §2901, as added Pub. L. 114-255, div. B, title XIV, §14013, Dec. 13, 2016, 130 Stat. 1298, related to mental health and drug treatment alternatives to incarceration programs.

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

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, nonprofit organizations, 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; Pub. L. 115-391, title V, §502(b)(1), Dec. 21, 2018, 132 Stat. 5228.)

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

2018—Par. (1). Pub. L. 115-391 inserted “nonprofit organizations,” before “and Indian” in introductory provisions.

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

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

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) 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.

(c) Priority considerations

The Attorney General shall give priority consideration to grant applications for grants under section 10591 of this title that are submitted by a nonprofit organization that demonstrates a relationship with State and local criminal justice agencies, including—

(1) within the judiciary and prosecutorial agencies; or

(2) with the local corrections agencies, which shall be documented by a written agreement that details the terms of access to facilities and participants and provides information on the history of the organization of working with correctional populations.

(Pub. L. 90-351, title I, §2923, as added Pub. L. 110-199, title I, §113, Apr. 9, 2008, 122 Stat. 675; amended Pub. L. 115-391, title V, §502(b)(2), Dec. 21, 2018, 132 Stat. 5228.)

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.

AMENDMENTS

2018—Subsec. (c). Pub. L. 115-391 added subsec. (c).

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.

§ 10595a. 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 2019 through 2023.

(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; amended Pub. L. 115-391, title V, §502(b)(3), Dec. 21, 2018, 132 Stat. 5228.)

CODIFICATION

Section was formerly classified to section 3797s-5 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-391 added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this subchapter \$10,000,000 for each of fiscal years 2009 and 2010.”

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—