

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—

(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 subchapter) be inserted after part DD of title I of Pub. L. 90-351, was executed by adding part EE to title I of Pub. L. 90-351 to reflect the probable intent of Congress, notwithstanding that title I of Pub. L. 90-351 did not contain a part DD.

§ 10611. Grant authority

(a) In general

The Attorney General may make grants to States, State courts, local courts, units of local

government, and Indian tribal governments, acting directly or through agreements with other public or private entities, for adult drug courts, juvenile drug courts, family drug courts, and tribal drug courts that involve—

(1) continuing judicial supervision over offenders, and other individuals under the jurisdiction of the court, with substance abuse problems, including co-occurring substance abuse and mental health problems, who are not violent offenders;

(2) coordination with the appropriate State or local prosecutor; and

(3) the integrated administration of other sanctions and services, which shall include—

(A) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

(B) substance abuse treatment for each participant;

(C) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress;

(D) offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support services for each participant who requires such services;

(E) payment, in whole or part, by the offender of treatment costs, to the extent practicable, such as costs for urinalysis or counseling; and

(F) payment, in whole or part, by the offender of restitution, to the extent practicable, to either a victim of the offender’s offense or to a restitution or similar victim support fund.

(b) Limitation

Economic sanctions imposed on an offender pursuant to this section shall not be at a level that would interfere with the offender’s rehabilitation.

(c) Mandatory drug testing and mandatory sanctions

(1) Mandatory testing

Grant amounts under this subchapter may be used for a drug court only if the drug court has mandatory periodic testing as described in subsection (a)(3)(A). The Attorney General shall, by prescribing guidelines or regulations, specify standards for the timing and manner of complying with such requirements. The standards—

(A) shall ensure that—

(i) each participant is tested for every controlled substance that the participant has been known to abuse, and for any other controlled substance the Attorney General or the court may require; and

(ii) the testing is accurate and practicable; and

(B) may require approval of the drug testing regime to ensure that adequate testing occurs.