H.R.3355

Violent Crime Control and Law Enforcement Act of 1994 (Enrolled as Agreed to or Passed by Both House and Senate)

TITLE V--DRUG COURTS

SEC. 50001. DRUG COURTS.

(a) IN GENERAL- Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 40231(a), is amended--

(1) by redesignating part V as part W;

(2) by redesignating section 2201 as section 2301; and

(3) by inserting after part U the following new part:

`PART V--DRUG COURTS

`SEC. 2201. GRANT AUTHORITY.

`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 programs that involve--

`(1) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; and

`(2) 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; and

`(D) programmatic, 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.

`SEC. 2202. PROHIBITION OF PARTICIPATION BY VIOLENT OFFENDERS.

`The Attorney General shall--

`(1) issue regulations and guidelines to ensure that the programs authorized in this part do not permit participation by violent offenders; and

`(2) immediately suspend funding for any grant under this part, pending compliance, if the Attorney General finds that violent offenders are participating in any program funded under this part.

`SEC. 2203. DEFINITION.

`In this part, `violent offender' means a person who--

`(1) is charged with or convicted of an offense, during the course of which offense or conduct--

`(A) the person carried, possessed, or used a firearm or dangerous weapon;

`(B) there occurred the death of or serious bodily injury to any person; or

`(C) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A), (B), or (C) is an element of the offense or conduct of which or for which the person is charged or convicted; or

`(2) has one 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.

`SEC. 2204. ADMINISTRATION.

`(a) CONSULTATION- The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this part.

`(b) USE OF COMPONENTS- The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

`(c) REGULATORY AUTHORITY- The Attorney General may issue regulations and guidelines necessary to carry out this part.

`(d) APPLICATIONS- In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall--

`(1) include a long-term strategy and detailed implementation plan;

`(2) explain the applicant's inability to fund the program adequately without Federal assistance;

`(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;
`(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;
`(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;
`(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the drug court program;
`(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and
`(8) describe the methodology that will be used in evaluating the program.

`SEC. 2205. APPLICATIONS.

`To request funds under this part, the chief executive or the chief justice of a State or the chief executive or chief judge of a unit of local government or Indian tribal government shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

`SEC. 2206. FEDERAL SHARE.

`The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2205 for the fiscal year for which the program receives assistance under this part, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. In-kind contributions may constitute a portion of the non-Federal share of a grant.

`SEC. 2207. GEOGRAPHIC DISTRIBUTION.

`The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made.

`SEC. 2208. REPORT.

`A State, Indian tribal government, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this part.

`SEC. 2209. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

`(a) TECHNICAL ASSISTANCE AND TRAINING- The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.
`(b) EVALUATIONS- In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.
`(c) ADMINISTRATION- The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.'.
(b) TECHNICAL AMENDMENT- The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 40231(b), is amended by striking the matter relating to part V and inserting the following:

`Part V--Drug Courts

`Sec. 2201. Grant authority.
`Sec. 2202. Prohibition of participation by violent offenders.
`Sec. 2203. Definition.
`Sec. 2204. Administration.
`Sec. 2205. Applications.
`Sec. 2206. Federal share.
`Sec. 2207. Geographic distribution.
`Sec. 2208. Report.
`Sec. 2209. Technical assistance, training, and evaluation.

`Part W--Transition-Effective Date-Repealer

`Sec. 2301. Continuation of rules, authorities, and proceedings.'.
(c) AUTHORIZATION OF APPROPRIATIONS- Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 40231(c), is amended--
(1) in paragraph (3) by striking `and U' and inserting `U, and V'; and
(2) by adding at the end the following new paragraph:
`(20) There are authorized to be appropriated to carry out part V--
`(A) $100,000,000 for fiscal year 1995;
`(B) $150,000,000 for fiscal year 1996;
`(C) $150,000,000 for fiscal year 1997;
`(D) $200,000,000 for fiscal year 1998;

`(E) $200,000,000 for fiscal year 1999; and
`(F) $200,000,000 for fiscal year 2000.'.

SEC. 50002. STUDY BY THE GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL- The Comptroller General of the United States shall study and assess the effectiveness and impact of grants authorized by part V of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as added by section 50001(a) and report to Congress the results of the study on or before January 1, 1997.
(b) DOCUMENTS AND INFORMATION- The Attorney General and grant recipients shall provide the Comptroller General with all relevant documents and information that the Comptroller General deems necessary to conduct the study under subsection (a), including the identities and criminal records of program participants.
(c) CRITERIA- In assessing the effectiveness of the grants made under programs authorized by part V of the Omnibus Crime Control and Safe Streets Act of 1968, the Comptroller General shall consider, among other things--
(1) recidivism rates of program participants;
(2) completion rates among program participants;
(3) drug use by program participants; and
(4) the costs of the program to the criminal justice system.