

42 U.S.C.A. § 3797u

§ 3797u. Grant authority

Effective: March 9, 2006

42 U.S.C.A. § 3797u

United States Code Annotated [Currentness](#)

Title 42. The Public Health and Welfare

[Chapter 46](#). Justice System Improvement ([Refs & Annos](#))

 [Subchapter XVI](#). Drug Courts ([Refs & Annos](#))

▀ § 3797u. 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 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) of this section. 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.

(2) Mandatory sanctions

The Attorney General shall, by prescribing guidelines or regulations, specify that grant amounts under this subchapter may be used for a drug court only if the drug court imposes graduated sanctions that increase punitive measures, therapeutic measures, or both whenever a participant fails a drug test. Such sanctions and measures may include, but are not limited to, one or more of the following:

(A) Incarceration.

(B) Detoxification treatment.

(C) Residential treatment.

(D) Increased time in program.

(E) Termination from the program.

(F) Increased drug screening requirements.

(G) Increased court appearances.

(H) Increased counseling.

(I) Increased supervision.

(J) Electronic monitoring.

(K) In-home restriction.

(L) Community service.

(M) Family counseling.

(N) Anger management classes.

CREDIT(S)

(Pub.L. 90-351, Title I, § 2951, as added [Pub.L. 107-273](#), Div. B, Title II, § 2301(a), Nov. 2, 2002, 116 Stat. 1795, and amended [Pub.L. 109-162, Title XI, § 1143](#), Jan. 5, 2006, 119 Stat. 3111; [Pub.L. 109-177, Title VII, § 751](#), Mar. 9, 2006, 120 Stat. 273.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

2002 Acts. House Conference Report No. 107-685 and Statement by President, see 2002 U.S. Code Cong. and Adm. News, p. 1120.

2006 Acts. House Report No. 109-233, see 2005 U.S. Code Cong. and Adm. News, p. 1636.

[House Conference Report No. 109-333](#), see 2006 U.S. Code Cong. and Adm. News, p. 184.

Statement by President, see 2006 U.S. Code Cong. and Adm. News, p. S7.

References in Text

This subchapter, referred to in subsec. (c), originally read “this part”, meaning Part EE of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, Pub.L. 90-351, Title I, Part EE, as added Pub.L. 107-273, Div. B, Title II, § 2301(a), Nov. 2, 2002, 116 Stat. 1794, which enacted this subchapter.

Amendments

2006 Amendments. Subsec. (a)(1). Pub.L. 109-162, § 1143, struck out “offenders with substance abuse problems” and inserted “offenders, and other individuals under the jurisdiction of the court, with substance abuse problems”.

Subsec. (c). Pub.L. 109-177, § 751, added subsec. (c).

Study by the General Accounting Office [now Government Accountability Office]
Pub.L. 107-273, Div. B, Title II, § 2303, Nov. 2, 2002, 116 Stat. 1799, provided that:

“(a) **In general.**--The Comptroller General of the United States shall study and assess the effectiveness and impact of grants authorized by part EE of title I of the Omnibus Crime Control and Safe Streets Act of 1968 [this subchapter], as added by section 2401 [sic; probably should be section 2301] and report to Congress the results of the study on or before January 1, 2005.

“(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 EE of the Omnibus Crime Control and Safe Streets Act of 1968 [this subchapter], 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.”

LIBRARY REFERENCES

American Digest System

[Attorney General](#) ¶6.

[Controlled Substances](#) ¶60.

[United States](#) ¶82(2).

Key Number System Topic Nos. [46](#), [96H](#), [393](#).

RESEARCH REFERENCES

Encyclopedias

[Am. Jur. 2d Drugs and Controlled Substances § 193](#), Federal Programs for Judicial Supervision Over Offenders With Substance-Abuse Problems; Drug Courts.

42 U.S.C.A. § 3797u, 42 USCA § 3797u

Current through P.L. 111-7 (excluding P.L. 111-5) approved 3-9-09

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