

Grants to Expand Substance Abuse Treatment Capacity for Juvenile Drug Courts

Juvenile Drug Court grants are authorized under Sections 501 (d)(18) and 509 of the Public Health Service Act, as amended, and 42 U.S.C. Section 3797a.

Specifically, the requirements, as set forth in the statute are as follows:

Sec. 3797u(a) requires that

(a) the funded juvenile court programs involve the following:

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.

§ 3797u-1. Prohibition of participation by violent offenders

The Attorney General shall--

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

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

§ 3797u-2. Definition

(b) Definition for purposes of juvenile drug courts

For purposes of juvenile drug courts, the term “violent offender” means a juvenile who has been convicted of, or adjudicated delinquent for, a felony-level offense that—

- (1) has as an element, the use, attempted use, or threatened use of physical force against the person or property of another, or the possession or use of a firearm; or
- (2) 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.

§ 3797u-3. Administration

(d) Applications

In addition to any other requirements that may be specified by the Attorney General, **an application for a grant under this subchapter shall--**

- (1) include a long-term strategy and detailed implementation plan that shall provide for the consultation and coordination with appropriate State and local prosecutors, particularly when program participants fail to comply with program requirements;
- (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 1 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.

§ 3797u-7. Report

A State, Indian tribal government, or unit of local government that receives funds under this subchapter during a fiscal year shall submit to the Attorney General a description and an evaluation report on a date specified by the Attorney General regarding the effectiveness of this subchapter.