112TH CONGRESS 1ST SESSION H.R. 2026

To provide grants to establish veteran's treatment courts.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2011

Mr. CICILLINE (for himself, Mr. KEATING, Mr. LANGEVIN, Mr. BOREN, Mr. LUJÁN, Mr. COURTNEY, Mr. DEFAZIO, Ms. SLAUGHTER, Mr. HIGGINS, and Ms. JACKSON LEE of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide grants to establish veteran's treatment courts.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Services, Education,

5 and Rehabilitation for Veterans Act" or the "SERV Act".

6 SEC. 2. VETERAN'S TREATMENT COURTS.

7 (a) DELEGATION.—The Director of the Office of Na8 tional Drug Control Policy (referred to in this Act as the
9 "Director") shall delegate the authority to administer the
10 program and other such activities necessary to carry out
11 this Act to the Department of Justice.

1 (b) GRANTS.—The Attorney General may make 2 grants to States, State courts, local courts, units of local 3 government, and Indian tribal governments acting directly 4 or through agreements with other public or private enti-5 ties, for the purpose of developing, implementing, or en-6 hancing veteran's treatment courts or expanding oper-7 ational drug courts to serve veterans.

8 (c) ELIGIBILITY.—Grants under this Act shall be 9 made to veteran's treatment courts and drug courts serv-10 ing veterans that effectively integrate substance abuse 11 treatment, mental health treatment, mandatory drug testing, sanctions and incentives, and transitional services, in 12 13 a judicially supervised court setting with jurisdiction over nonviolent, substance-abusing offenders that have served 14 15 in the United States military.

16 SEC. 3. 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 or mental health problems
who are not violent offenders and have served in the
United States military; and

1	(2) the integrated administration of other sanc-
2	tions and services, which shall include—
3	(A) mandatory periodic testing for the use
4	of controlled substances or other addictive sub-
5	stances during any period of supervised release
6	or probation for each participant;
7	(B) substance abuse and mental health
8	treatment (such as treatment for depression
9	and post-traumatic stress disorder) for each
10	participant;
11	(C) diversion, probation, or other super-
12	vised release involving the possibility of prosecu-
13	tion, confinement, or incarceration based on
14	noncompliance with program requirements or
15	failure to show satisfactory progress; and
16	(D) programmatic, offender management,
17	and aftercare services such as relapse preven-
18	tion, health care, education, vocational training,
19	job placement, housing placement, and child
20	care or other family support services for each
21	participant who requires such services.
22	SEC. 4. APPLICATIONS.
23	(a) IN GENERAL.—To request a grant under this

24 Act, a State, State court, local court, unit of local govern-25 ment, or Indian tribal government shall submit an applica-

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tion to the Attorney General in such form and containing
 such information as the Attorney General may reasonably
 require.

4 (b) APPLICATIONS.—In addition to any other require5 ments that may be specified by the Attorney General, an
6 application for a grant under this Act shall—

7 (1) include a long-term strategy and detailed8 implementation plan;

9 (2) explain the applicant's inability to fund the
10 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;

15 (4) identify related governmental or community
16 initiatives which complement or will be coordinated
17 with the proposal;

(5) certify that there has been appropriate consultation with all affected agencies, specifically the
Department of Veterans Affairs and the Department
of Health and Human Services, and that there will
be appropriate coordination with all affected agencies in the implementation of the program;

24 (6) certify that participating offenders will be25 supervised by 1 or more designated judges with re-

sponsibility for the veteran's treatment court pro gram;

3 (7) specify plans for obtaining necessary sup4 port and continuing the proposed program following
5 the conclusion of Federal support; and

6 (8) describe the methodology that will be used7 in evaluating the program.

8 (c) CERTIFICATIONS.—Each such application shall 9 contain the certification that the program for which the 10 grant is requested shall meet each of the requirements of 11 this Act.

12 SEC. 5. FEDERAL SHARE.

13 The Federal share of a grant made under this Act 14 may not exceed 75 percent of the total costs of the pro-15 gram described in the application submitted under section 4 for the fiscal year for which the program receives assist-16 17 ance under this Act, unless the Attorney General waives, wholly or in part, the requirement of a matching contribu-18 tion under this section. In-kind contributions may con-19 20 stitute a portion of the non-Federal share of a grant.

21 SEC. 6. REPORTS AND EVALUATIONS.

(a) REPORT TO ATTORNEY GENERAL AND THE DIRECTOR.—For each fiscal year, each recipient of a grant
under this Act during that fiscal year shall submit to the
Attorney General, the Director, and the Secretary for Vet-

erans Affairs a report regarding the effectiveness of activi ties carried out using that grant. Each report shall include
 an evaluation in such form and containing such informa tion as the Attorney General may reasonably require. The
 Attorney General shall specify the dates on which such
 reports shall be submitted.

7 (b) REPORT TO CONGRESS.—The Director, in con-8 sultation with the Attorney General, shall submit a yearly 9 report on the effectiveness on the activities carried out 10 under this Act to the House and Senate Committees on 11 the Judiciary and the House and Senate Committees on 12 Veterans Affairs.

13 SEC. 7. DEFINITIONS.

14 In this Act:

(1) VETERAN.—The term "veteran" means a
person who served in the active military, naval, or
air service, and who was discharged or released
therefrom under conditions other than dishonorable.

19 (2) VETERAN'S TREATMENT COURT.—The term
20 "veteran's treatment court" means a program spe21 cifically for veterans that meets the drug court cri22 teria established by the Violent Crime Control and
23 Law Enforcement Act of 1994 (Public Law 103–
24 322).

1	(3) VIOLENT OFFENDER.—The term "violent
2	offender" means a person who—
3	(A) is charged with or convicted of an of-
4	fense, during the course of which offense or
5	conduct—
6	(i) the person carried, possessed, or
7	used a firearm or dangerous weapon;
8	(ii) there occurred the death of or se-
9	rious bodily injury to any person; or
10	(iii) there occurred the use of force
11	against the person of another, without re-
12	gard to whether any of the circumstances
13	described in clause (i) or (ii) is an element
14	of the offense or conduct of which or for
15	which the person is charged or convicted;
16	or
17	(B) has 1 or more prior convictions for a
18	felony crime of violence involving the use or at-
19	tempted use of force against a person with the
20	intent to cause death or serious bodily harm.
21	SEC. 8. ADMINISTRATION.
22	(a) Consultation.—The Attorney General shall
23	consult with the Secretary of Veterans Affairs, the Sec-
24	retary of Health and Human Services, and any other ap-
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propriate officials in carrying out this Act.

1	(b) REGULATORY AUTHORITY.—
2	(1) IN GENERAL.—The Attorney General may
3	issue regulations and guidelines necessary to carry
4	out this Act.
5	(2) PARTICIPATION LIMITS.—In addition to the
6	general authority provided under paragraph (1) , the
7	Attorney General shall—
8	(A) issue regulations and guidelines to en-
9	sure that programs authorized in this Act do
10	not permit participation by violent offenders;
11	and
12	(B) immediately suspend funding for any
13	grant under this part, pending compliance, if
14	the Attorney General finds that violent offend-
15	ers are participating in any program funded
16	under this part.
17	(c) Geographic Distribution.—The Attorney
18	General shall ensure that, to the extent practicable, an eq-
19	uitable geographic distribution of grant awards is made
20	under this Act.
21	SEC. 9. TECHNICAL ASSISTANCE, TRAINING, AND EVALUA-
22	TION.
23	(a) TECHNICAL ASSISTANCE AND TRAINING.—The
24	Attorney General may provide technical assistance and
25	training in furtherance of the purposes of this Act.

(b) EVALUATIONS.—The Attorney General may pro vide for evaluations in furtherance of the purposes of this
 Act.

4 SEC. 10. FUNDING FOR THE NATIONAL DRUG COURT INSTI5 TUTE.

6 (a) COMPREHENSIVE, NATIONAL TRAINING AND
7 TECHNICAL ASSISTANCE FOR DRUG COURTS.—The Na8 tional Drug Court Institute in Alexandria, Virginia,
9 shall—

10 (1) conduct national, comprehensive training 11 programs for State and local communities for the 12 purpose of improving the professional skills of drug 13 court practitioners and enhancing the ability of 14 State and local communities to expand drug courts 15 to reach all addicted citizens in need of their re-16 sources; and

(2) provide national, comprehensive Technical
Assistance to adult, juvenile and family dependency
drug courts including a combination of information
gathering, needs assessment, cultural proficiency,
analysis, problem solving, action planning, referral
and follow-up.

23 (b) ANCILLARY PROJECTS.—The National Drug24 Court Institute in Alexandria, Virginia, shall complete an-

1	cillary programs designed to facilitate the expansion and
2	improvement of drug courts nationwide including—
3	(1) a Judicial Task Force to develop a transi-
4	tion plan for new drug court judges;
5	(2) a resource center to maintain and distribute
6	drug court evaluations reviewed in the National
7	Drug Court Institute Review, and to request new re-
8	search and evaluations for the drug court field;
9	(3) publishing annually the National Drug
10	Court Institute Review to provide research, analysis,
11	and commentary of importance to the drug court
12	field; and
13	(4) searching drug court literature and identify,
14	reprint, and disseminate important and relevant
15	scholarship to the drug court field.
16	(c) Authorization of Appropriations.—There
17	are authorized to be appropriated to the Attorney General
18	such sums as may be necessary to carry out this section.
19	SEC. 11. AUTHORIZATION OF APPROPRIATIONS.
20	Except for section 10, there are authorized to be ap-
21	propriated to the Director such sums as may be necessary

22 to carry out this Act.

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