

117TH CONGRESS
1ST SESSION

H. R. 4964

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to
modify the provisions relating to treatment courts.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 2021

Ms. LOFGREN (for herself and Mr. MCKINLEY) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets
Act of 1968 to modify the provisions relating to treat-
ment 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 “Treatment Court, Re-
5 habilitation, and Recovery Act of 2021”.

6 **SEC. 2. TREATMENT COURTS.**

7 (a) IN GENERAL.—Title I of the Omnibus Crime
8 Control and Safe Streets Act of 1968 (34 U.S.C. 10101
9 et seq.) is amended by striking part EE (34 U.S.C. 10611
10 et seq.) and inserting the following:

1 **“PART EE—TREATMENT COURT DISCRETIONARY**
2 **GRANT PROGRAM**

3 **“SEC. 2951. GRANT AUTHORITY.**

4 “(a) IN GENERAL.—The Attorney General may make
5 grants—

6 “(1) to States, State courts, local courts, units
7 of local government, and Indian tribal governments,
8 acting directly or through agreements with other
9 public or private entities; and

10 “(2) to establish or enhance—

11 “(A) juvenile drug treatment courts that
12 serve teens charged with delinquency offenses
13 caused or influenced by a moderate to severe
14 substance use disorder or co-occurring mental
15 health disorder;

16 “(B) family treatment courts that serve
17 parents or guardians in dependency proceedings
18 facing allegations of child abuse or neglect
19 caused or influenced by a moderate to severe
20 substance use disorder;

21 “(C) Tribal healing to wellness courts that
22 serve Native Americans by providing healing
23 and communal practices to serve persons
24 charged with drug- or alcohol-related violations
25 of Tribal laws;

1 “(D) impaired driving courts that serve
2 adults charged with repeated instances of driv-
3 ing under the influence of drugs or alcohol;

4 “(E) adult drug treatment courts that
5 serve as an alternative to incarceration for
6 adults with substance use disorders, including
7 co-occurring substance use and mental health
8 disorders; and

9 “(F) any other treatment courts that ad-
10 here to national best practice standards en-
11 dored by the National Association of Drug
12 Court Professionals.

13 “(b) LIMITATION.—Economic sanctions imposed in
14 this section shall not be at a level that would interfere
15 with the treatment and must conform to constitutional
16 standards including, but not limited to, an opportunity to
17 present evidence at a hearing regarding the participant’s
18 financial status and ability to pay.

19 **“SEC. 2952. ADMINISTRATION.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) MEDICATION FOR ADDICTION TREAT-
22 MENT.—The term ‘medication for addiction treat-
23 ment’ means the use of medications approved by the
24 Food and Drug Administration for the treatment of
25 substance use disorder.

1 “(2) STATE SUBSTANCE ABUSE AUTHORITY.—

2 The term ‘State substance abuse authority’ means
3 the State agency responsible for administering the
4 Substance Abuse Prevention and Treatment Block
5 Grant under subpart II of part B of title XIX of the
6 Public Health Service Act (42 U.S.C. 300x–21 et
7 seq.).

8 “(b) CONSULTATION.—The Attorney General shall
9 consult with the Secretary of Health and Human Services
10 and any other appropriate officials in carrying out this
11 part.

12 “(c) USE OF COMPONENTS.—The Attorney General
13 may utilize any component or components of the Depart-
14 ment of Justice in carrying out this part.

15 “(d) REGULATORY AUTHORITY.—The Attorney Gen-
16 eral may issue regulations and guidelines necessary to
17 carry out this part.

18 “(e) ADMINISTRATIVE COSTS.—

19 “(1) Not more than 10 percent of a grant made
20 under this part may be used for costs incurred to
21 administer such grant.

22 “(f) APPLICATIONS.—In addition to any other re-
23 quirements that may be specified by the Attorney General,
24 an application for a grant under this part shall—

1 “(1) explain the long-term strategy and detailed
2 implementation plan that outlines how the program
3 will—

4 “(A) serve treatment courts described in
5 2951(a)(2);

6 “(B) achieve the implementation of na-
7 tional best practice standards described in sec-
8 tion 2951(a)(2)(F); and

9 “(C) obtain the necessary support to con-
10 tinue the proposed program following the con-
11 clusion of Federal support;

12 “(2) certify that—

13 “(A) the program will not discriminate
14 based upon race, gender, gender identity, reli-
15 gion, national origin, sexual orientation, eco-
16 nomic status, or immigration status;

17 “(B) the program will provide adequate
18 protections for offenders’ right to competent
19 counsel;

20 “(C) evidence-based clinical assessment
21 will determine the level of care, and that evi-
22 dence-based substance use disorder treatment,
23 including medication for addiction treatment,
24 will be available if clinically appropriate;

1 “(D) substance use disorder treatment
2 providers and services are licensed or accredited
3 by the State substance abuse authority and that
4 State standards of care will be utilized;

5 “(E) there has been appropriate consulta-
6 tion with all affected agencies and that there
7 will be appropriate coordination with all af-
8 fected agencies, including State or local pros-
9 ecutors, the defense bar, law enforcement, pro-
10 bation, courts, State or local treatment agen-
11 cies, and other community services;

12 “(F) 1 or more designated judges are re-
13 sponsible for the program;

14 “(G) there is an inability to fund the pro-
15 gram adequately without Federal assistance;

16 “(H) Federal support provided will be used
17 to supplement, and not supplant, State, Indian
18 tribal, and local sources of funding that would
19 otherwise be available;

20 “(I) the payment, in whole or part, by the
21 participant of treatment costs and restitution,
22 to the extent practicable, shall be based on abil-
23 ity to pay and will not be at a level that would
24 interfere with program participation; and

1 “(J) impaired driving court applicants are
2 compliant with section 164(b) of title 23,
3 United States Code;

4 “(3) describe—

5 “(A) the admission criteria to ensure
6 that—

7 “(i) the criteria are broad enough to
8 provide equal access for all individuals
9 under the treatment court’s jurisdiction
10 who are in high need of substance use dis-
11 order treatment based on evidence-based
12 clinical assessments;

13 “(ii) the individual circumstances of
14 each offender are considered as mitigating
15 or aggravating factors;

16 “(iii) an evidence-based clinical as-
17 sessment is utilized to determine the level
18 of care; and

19 “(iv) the public safety needs of the
20 applicant’s jurisdiction will be met, taking
21 into consideration—

22 “(I) criminal history;

23 “(II) the current case before the
24 court; and

25 “(III) risk to the community;

1 “(B) the components of the program to in-
2 clude—

3 “(i) a process to ensure equivalent ac-
4 cess and retention in the program that in-
5 cludes collecting and examining access and
6 retention data to ensure unfair disparities
7 do not exist for racial and ethnic minority
8 or female participants in admission proto-
9 cols or elsewhere in the program;

10 “(ii) substance use disorder or mental
11 health treatment for each participant
12 based on individualized assessments and
13 evidence-based treatment services;

14 “(iii) case management, relapse pre-
15 vention, education, vocational training, job
16 placement, housing placement, medical and
17 dental care, parenting programs, child
18 care, or other family support services for
19 each participant who requires such serv-
20 ices;

21 “(iv) diversion, probation, or other su-
22 pervised release;

23 “(v) evidence-based graduated re-
24 sponses;

1 “(vi) periodic and random testing for
2 the use of controlled substances or other
3 addictive substances; and

4 “(vii) the methodology that will be
5 used to evaluate the program’s process and
6 outcomes; and

7 “(C) the related governmental or commu-
8 nity initiatives that complement the program.

9 **“SEC. 2953. APPLICATIONS.**

10 “To request funds under this part, the chief executive
11 or the chief justice of a State, or the chief executive or
12 judge of a unit of local government or Indian tribal gov-
13 ernment, or the chief judge of a State court, or the judge
14 of a local court or Indian tribal court shall submit an ap-
15 plication to the Attorney General in such form and con-
16 taining such information as the Attorney General may rea-
17 sonably require.

18 **“SEC. 2954. FEDERAL SHARE.**

19 “(a) IN GENERAL.—The Federal share of a grant
20 made under this part may not exceed 75 percent of the
21 total costs of the program described in the application sub-
22 mitted under section 2953 for the fiscal year for which
23 the program receives assistance under this part, unless the
24 Attorney General waives, wholly or in part, the require-
25 ment of a matching contribution under this section.

1 “(b) IN-KIND CONTRIBUTIONS.—In-kind contribu-
2 tions may constitute a portion of the non-Federal share
3 of a grant.

4 **“SEC. 2955. DISTRIBUTION AND ALLOCATION OF FUNDING.**

5 “The Attorney General shall ensure—

6 “(1) all grants awards have in place a process
7 to ensure equivalent access and retention in the pro-
8 gram that includes—

9 “(A) collecting and examining access and
10 retention data to ensure unfair disparities do
11 not exist for racial and ethnic minority or fe-
12 male participants in admission protocols or else-
13 where in the program;

14 “(B) modifying the eligibility criteria, ad-
15 missions protocols, and other program elements
16 to address disparities, enhance recruitment, and
17 improve retention;

18 “(C) continually monitoring whether racial
19 and ethnic minority and female participants
20 have equal access to the programs, receive
21 equivalent services in the programs, and suc-
22 cessfully complete the programs at rates equiva-
23 lent to non-minorities and males; and

1 “(D) admission criteria that serve individ-
2 uals with a high need of substance use disorder
3 treatment based on clinical assessments;

4 “(2) all grant awards—

5 “(A) use evidence-based clinical assessment
6 to determine the level of care for evidence-based
7 substance use disorder treatment, including
8 medication for addiction treatment, if clinically
9 appropriate and available;

10 “(B) use substance use disorder treatment
11 providers and services are licensed or accredited
12 by the State substance abuse authority and that
13 standards of care of the State are used;

14 “(3) priority in funding is given to those appli-
15 cants that have demonstrated adherence to the prac-
16 tice standards established or endorsed by the Na-
17 tional Association of Drug Court Professionals;

18 “(4) all States, State courts, local courts, units
19 of local government, and Indian Tribal governments
20 are provided with an opportunity to apply and be
21 considered for a grant under this part;

22 “(5) to the extent practicable, equitable geo-
23 graphic distribution of grant awards is made; and

1 “(6) training and technical assistance is avail-
2 able to States that applied and did not receive a
3 grant award.

4 **“SEC. 2956. REPORT.**

5 “(a) GRANT REPORT.—A State, Indian Tribal gov-
6 ernment, or unit of local government that receives funds
7 under this part during a fiscal year shall submit to the
8 Attorney General a description and an evaluation report
9 on a date specified by the Attorney General regarding the
10 effectiveness of this part.

11 “(b) EVALUATION.—The Department of Justice, Bu-
12 reau of Justice Assistance shall conduct a national multi-
13 site evaluation on the effectiveness of treatment courts to
14 be submitted to Congress within three years of enactment
15 of this bill. The evaluation shall focus on target popu-
16 lation, evidence-based substance use and mental health
17 treatment, including medication for addiction treatment,
18 recidivism, and program outcomes.

19 **“SEC. 2957. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**
20 **UATION.**

21 “(a) TECHNICAL ASSISTANCE AND TRAINING.—The
22 Attorney General may provide technical assistance and
23 training in furtherance of the purposes of this part. All
24 training and technical assistance must adhere to the na-
25 tional best practice standards established by the National

1 Association of Drug Court Professionals or those approved
2 by the Department of Justice.

3 “(b) EVALUATIONS.—In addition to any evaluation
4 requirements that may be prescribed for grantees (includ-
5 ing uniform data collection standards and reporting re-
6 quirements), the Attorney General shall carry out or make
7 arrangements for evaluations of programs that receive
8 support under this part.

9 “(c) ADMINISTRATION.—The technical assistance,
10 training, and evaluations authorized by this section may
11 be carried out directly by the Attorney General, in collabo-
12 ration with the Secretary of Health and Human Services,
13 or through grants, contracts, or other cooperative arrange-
14 ments with other entities.

15 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
16 is authorized to be appropriated to carry out this section
17 \$100,000,000 for each year for fiscal years 2022 through
18 2026.”.

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