

112TH CONGRESS
2D SESSION

S. 3702

To provide grants to establish veteran's treatment courts.

IN THE SENATE OF THE UNITED STATES

DECEMBER 20, 2012

Mr. KERRY (for himself, Mr. JOHNSON of South Dakota, Mr. WHITEHOUSE, and Mr. FRANKEN) introduced the following bill; which was read twice and 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. DEFINITIONS.**

7 In this Act:

8 (1) DIRECTOR.—The term “Director” means
9 the Director of the Office of National Drug Control
10 Policy.

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

5 (3) VETERAN’S TREATMENT COURT.—The term
6 “veteran’s treatment court” means a program spe-
7 cifically for veterans that meets the drug court cri-
8 teria established by the Violent Crime Control and
9 Law Enforcement Act of 1994 (Public Law 103–
10 322).

11 (4) VIOLENT OFFENDER.—The term “violent
12 offender” means a person who—

13 (A) is charged with or convicted of an of-
14 fense, during the course of which offense or
15 conduct—

16 (i) the person carried, possessed, or
17 used a firearm or dangerous weapon;

18 (ii) there occurred the death of or se-
19 rious bodily injury to any person; or

20 (iii) there occurred the use of force
21 against the person of another, without re-
22 gard to whether any of the circumstances
23 described in clause (i) or (ii) is an element
24 of the offense or conduct of which or for
25 which the person is charged or convicted.

1 (B) has one or more prior convictions for
2 a felony crime of violence involving the use or
3 attempted use of force against a person with
4 the intent to cause death or serious bodily
5 harm.

6 **SEC. 3. VETERAN'S TREATMENT COURTS.**

7 (a) DELEGATION.—The Director shall delegate the
8 authority to administer the program and other such activi-
9 ties necessary to carry out this Act to the Department of
10 Justice.

11 (b) GRANTS.—The Attorney General may make
12 grants to States, State courts, local courts, units of local
13 government, and Indian tribal governments acting directly
14 or through agreements with other public or private enti-
15 ties, for the purpose of developing, implementing, or en-
16 hancing veteran's treatment courts or expanding oper-
17 ational drug courts to serve veterans.

18 (c) ELIGIBILITY.—Grants under this Act shall be
19 made to veteran's treatment courts and drug courts serv-
20 ing veterans that effectively integrate substance abuse
21 treatment, mental health treatment, mandatory drug test-
22 ing, sanctions and incentives, and transitional services, in
23 a judicially supervised court setting with jurisdiction over
24 nonviolent, substance-abusing offenders that have served
25 in the United States military.

1 **SEC. 4. GRANT AUTHORITY.**

2 The Attorney General may make grants to States,
3 State courts, local courts, units of local government, and
4 Indian tribal governments, acting directly or through
5 agreements with other public or private entities, for pro-
6 grams that involve—

7 (1) continuing judicial supervision over offend-
8 ers with substance abuse or mental health problems
9 who are not violent offenders and have served in the
10 United States military; and

11 (2) the integrated administration of other sanc-
12 tions and services, which shall include—

13 (A) mandatory periodic testing for the use
14 of controlled substances or other addictive sub-
15 stances during any period of supervised release
16 or probation for each participant;

17 (B) substance abuse and mental health
18 treatment (such as treatment for depression
19 and post-traumatic stress disorder) for each
20 participant;

21 (C) diversion, probation, or other super-
22 vised release involving the possibility of prosecu-
23 tion, confinement, or incarceration based on
24 noncompliance with program requirements or
25 failure to show satisfactory progress; and

1 (D) programmatic, offender management,
2 and aftercare services such as relapse preven-
3 tion, health care, education, vocational training,
4 job placement, housing placement, and child
5 care or other family support services for each
6 participant who requires such services.

7 **SEC. 5. APPLICATIONS.**

8 (a) IN GENERAL.—To request a grant under this
9 Act, a State, State court, local court, unit of local govern-
10 ment, or Indian tribal government shall submit an applica-
11 tion to the Attorney General in such form and containing
12 such information as the Attorney General may reasonably
13 require.

14 (b) APPLICATIONS.—In addition to any other require-
15 ments that may be specified by the Attorney General, an
16 application for a grant under this Act shall—

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

19 (2) explain the applicant’s inability to fund the
20 program adequately without Federal assistance;

21 (3) certify that the Federal support provided
22 will be used to supplement, and not supplant, State,
23 Indian tribal, and local sources of funding that
24 would otherwise be available;

1 (4) identify related governmental or community
2 initiatives which complement or will be coordinated
3 with the proposal;

4 (5) certify that there has been appropriate con-
5 sultation with all affected agencies, specifically the
6 Department of Veterans Affairs and the Department
7 of Health and Human Services, and that there will
8 be appropriate coordination with all affected agen-
9 cies in the implementation of the program;

10 (6) certify that participating offenders will be
11 supervised by one or more designated judges with re-
12 sponsibility for the veteran's treatment court pro-
13 gram;

14 (7) specify plans for obtaining necessary sup-
15 port and continuing the proposed program following
16 the conclusion of Federal support; and

17 (8) describe the methodology that will be used
18 in evaluating the program.

19 (c) CERTIFICATIONS.—Each such application shall
20 contain the certification that the program for which the
21 grant is requested shall meet each of the requirements of
22 this Act.

23 **SEC. 6. FEDERAL SHARE.**

24 The Federal share of a grant made under this Act
25 may not exceed 75 percent of the total costs of the pro-

1 gram described in the application submitted under section
2 5 for the fiscal year for which the program receives assist-
3 ance under this Act, unless the Attorney General waives,
4 wholly or in part, the requirement of a matching contribu-
5 tion under this section. In-kind contributions may con-
6 stitute a portion of the non-Federal share of a grant.

7 **SEC. 7. REPORTS AND EVALUATIONS.**

8 (a) **REPORT TO ATTORNEY GENERAL AND THE DI-**
9 **RECTOR.**—For each fiscal year, each recipient of a grant
10 under this Act during that fiscal year shall submit to the
11 Attorney General, the Director, and the Secretary of Vet-
12 erans Affairs a report regarding the effectiveness of activi-
13 ties carried out using that grant. Each report shall include
14 an evaluation in such form and containing such informa-
15 tion as the Attorney General may reasonably require. The
16 Attorney General shall specify the dates on which such
17 reports shall be submitted.

18 (b) **REPORT TO CONGRESS.**—The Director, in con-
19 sultation with the Attorney General, shall submit a yearly
20 report on the effectiveness on the activities carried out
21 under this Act to the House and Senate Committees on
22 the Judiciary and the House and Senate Committees on
23 Veterans' Affairs.

1 **SEC. 8. ADMINISTRATION.**

2 (a) CONSULTATION.—The Attorney General shall
3 consult with the Secretary of Veterans Affairs, the Sec-
4 retary of Health and Human Services, and any other ap-
5 propriate officials in carrying out this Act.

6 (b) REGULATORY AUTHORITY.—

7 (1) IN GENERAL.—The Attorney General may
8 issue regulations and guidelines necessary to carry
9 out this Act.

10 (2) PARTICIPATION LIMITS.—In addition to the
11 general authority provided under paragraph (1), the
12 Attorney General shall—

13 (A) issue regulations and guidelines to en-
14 sure that programs authorized in this Act do
15 not permit participation by violent offenders;
16 and

17 (B) immediately suspend funding for any
18 grant under this part, pending compliance, if
19 the Attorney General finds that violent offend-
20 ers are participating in any program funded
21 under this part.

22 (c) GEOGRAPHIC DISTRIBUTION.—The Attorney
23 General shall ensure that, to the extent practicable, an eq-
24 uitable geographic distribution of grant awards is made
25 under this Act.

1 **SEC. 9. TECHNICAL ASSISTANCE, TRAINING, AND EVALUA-**
2 **TION.**

3 (a) TECHNICAL ASSISTANCE AND TRAINING.—The
4 Attorney General may provide technical assistance and
5 training in furtherance of the purposes of this Act.

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

9 **SEC. 10. FUNDING FOR THE NATIONAL DRUG COURT INSTI-**
10 **TUTE.**

11 (a) COMPREHENSIVE, NATIONAL TRAINING AND
12 TECHNICAL ASSISTANCE FOR DRUG COURTS.—The Na-
13 tional Drug Court Institute in Alexandria, Virginia,
14 shall—

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

22 (2) provide national, comprehensive Technical
23 Assistance to adult, juvenile and family dependency
24 drug courts including a combination of information
25 gathering, needs assessment, cultural proficiency,

1 analysis, problem solving, action planning, referral
2 and follow-up.

3 (b) ANCILLARY PROJECTS.—The National Drug
4 Court Institute in Alexandria, Virginia, shall complete an-
5 cillary programs designed to facilitate the expansion and
6 improvement of drug courts nationwide including—

7 (1) a Judicial Task Force to develop a transi-
8 tion plan for new drug court judges;

9 (2) a resource center to maintain and distribute
10 drug court evaluations reviewed in the National
11 Drug Court Institute Review, and to request new re-
12 search and evaluations for the drug court field;

13 (3) publishing annually the National Drug
14 Court Institute Review to provide research, analysis,
15 and commentary of importance to the drug court
16 field; and

17 (4) searching drug court literature and identify,
18 reprint, and disseminate important and relevant
19 scholarship to the drug court field.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Attorney General
22 to carry out this section \$10,000,000 for each of the fiscal
23 years 2013 through 2018 to remain available until ex-
24 pended.

1 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

2 Except for section 10, there are authorized to be ap-
3 propriated to the Director to carry out this Act
4 \$25,000,000 for each of fiscal years 2013 to 2018.

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