

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          dorsed 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 \$100,000,0000 for each year for fiscal years 2022 through  
18 2026.”.

○