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111TH CONGRESS
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S. 902

To provide grants to establish veteran's treatment courts.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2009

Mr. KERRY (for himself, Ms. MURKOWSKI, and Mr. INOUYE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To provide grants to establish veteran's treatment courts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Services, Education, and Rehabilitation for Veterans Act'' or the ''SERV Act''.

SEC. 2. VETERAN'S TREATMENT COURTS.

(a) DELEGATION.—The Director of the Office of National Drug Control Policy (referred to in this Act as the ''Director'') shall delegate the authority to administer the program and other such activities necessary to carry out this Act to the Department of Justice.

(b) GRANTS.—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 the purpose of developing, implementing, or enhancing veteran's treatment courts or expanding operational drug courts to serve veterans.

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

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

(2) 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 and mental health treatment (such as treatment for depression and post-traumatic stress disorder) 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; and

(D) programmatic, 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.

SEC. 4. APPLICATIONS.

(a) IN GENERAL.—To request a grant under this Act, a State, State court, local court, unit of local government, or Indian tribal government shall submit an applica-

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

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

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

(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, 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;

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

sponsibility for the veteran's treatment 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.

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

SEC. 5. FEDERAL SHARE.

The Federal share of a grant made under this Act may not exceed 75 percent of the total costs of the program described in the application submitted under section 4 for the fiscal year for which the program receives assistance under this Act, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. In-kind contributions may constitute a portion of the non-Federal share of a grant.

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 activities carried out using that grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

(b) REPORT TO CONGRESS.—The Director, in consultation with the Attorney General, shall submit a yearly report on the effectiveness on the activities carried out under this Act to the House and Senate Committees on the Judiciary and the House and Senate Committees on Veterans Affairs.

SEC. 7. DEFINITIONS.

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.

(2) VETERAN'S TREATMENT COURT.—The term ''veteran's treatment court'' means a program specifically for veterans that meets the drug court criteria established by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

(3) VIOLENT OFFENDER.—The term ''violent offender'' means a person who—

(A) is charged with or convicted of an offense, during the course of which offense or conduct—

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

(ii) there occurred the death of or serious bodily injury to any person; or

(iii) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in clause (i) or (ii) is an element of the offense or conduct of which or for which the person is charged or convicted.

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

SEC. 8. ADMINISTRATION.

(a) CONSULTATION.—The Attorney General shall consult with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and any other appropriate officials in carrying out this Act.

(b) REGULATORY AUTHORITY.—

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

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

(A) issue regulations and guidelines to ensure that programs authorized in this Act do not permit participation by violent offenders; and

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

(c) GEOGRAPHIC DISTRIBUTION.—The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made under this Act.

SEC. 9. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

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

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

SEC. 10. FUNDING FOR THE NATIONAL DRUG COURT INSTITUTE.

(a) COMPREHENSIVE, NATIONAL TRAINING AND TECHNICAL ASSISTANCE FOR DRUG COURTS.—The National Drug Court Institute in Alexandria, Virginia, shall—

(1) conduct national, comprehensive training programs for State and local communities for the purpose of improving the professional skills of drug court practitioners and enhancing the ability of State and local communities to expand drug courts to reach all addicted citizens in need of their resources; 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.

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

cillary programs designed to facilitate the expansion and improvement of drug courts nationwide including—

(1) a Judicial Task Force to develop a transition plan for new drug court judges;

(2) a resource center to maintain and distribute drug court evaluations reviewed in the National Drug Court Institute Review, and to request new research and evaluations for the drug court field;

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $10,000,000 for each of the fiscal years 2010 through 2015 to remain available until expended.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Except for section 10, there are authorized to be appropriated to the Director to carry out this Act $25,000,000 for each of fiscal years 2010 to 2015.

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