

118TH CONGRESS  
1ST SESSION

# S. 2593

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

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IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Ms. KLOBUCHAR introduced the following bill; which was read twice and  
referred to the Committee on the Judiciary

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## 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 2023”.

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. ELIGIBILITY.**

20       “(a) DEFINITION.—In this section, the term ‘partici-  
21 pant’ means an adult or juvenile in the court system  
22 who—

23           “(1) has been diagnosed by a substance use  
24 treatment professional as having a substance use

1 disorder or co-occurring mental illness and substance  
2 abuse disorders;

3 “(2)(A) meets established eligibility criteria as  
4 approved by the adult, juvenile, or tribal treatment  
5 court team, that, at a minimum, includes the judge,  
6 prosecutor, defense bar, and treatment community;  
7 and

8 “(B) for family treatment courts, at a min-  
9 imum, includes the judge, child welfare agency or  
10 prosecutor, defensive bar, and treatment community;

11 “(3) has been determined, by the treatment  
12 court team, not to pose a risk of violence to any per-  
13 son in the program, or the public, if selected to par-  
14 ticipate in the program; and

15 “(4) has not been charged with or convicted  
16 of—

17 “(A) any sex offense (as defined in section  
18 111 of the Sex Offender Registration and Noti-  
19 fication Act (34 U.S.C. 20911)) or any offense  
20 relating to the sexual exploitation of children;  
21 or

22 “(B) murder or assault with intent to com-  
23 mit murder.

1       “(b) DETERMINATION.—In determining whether a  
2 participant meets the eligibility criteria, the treatment  
3 court team shall take into account—

4           “(1) whether the participation of the partici-  
5 pant in the program would pose a substantial risk  
6 of violence to the community;

7           “(2) the criminal history of the participant and  
8 the nature and severity of the offense for which the  
9 participant is charged;

10          “(3) the views of any relevant victims to the of-  
11 fense;

12          “(4) the extent to which the participant would  
13 benefit from participation in the program; and

14          “(5) the extent to which the community would  
15 realize cost savings because of the participation of  
16 the participant in the program.

17 **“SEC. 2953. ADMINISTRATION.**

18       “(a) DEFINITIONS.—In this section:

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

24           “(2) STATE SUBSTANCE ABUSE AUTHORITY.—  
25 The term ‘State substance abuse authority’ means

1 the State agency responsible for administering the  
2 Substance Abuse Prevention and Treatment Block  
3 Grant under subpart II of part B of title XIX of the  
4 Public Health Service Act (42 U.S.C. 300x-21 et  
5 seq.).

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

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

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

16 “(e) ADMINISTRATIVE COSTS.—

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

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

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

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

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

6           “(C) obtain the necessary support to con-  
7 tinue the proposed program following the con-  
8 clusion of Federal support;

9           “(2) certify that—

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

14           “(B) the program will provide adequate  
15 protections for offenders’ right to competent  
16 counsel;

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

22           “(D) substance use disorder treatment  
23 providers and services are licensed or accredited  
24 by the State substance abuse authority and that  
25 State standards of care will be utilized;

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

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

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

12          “(H) Federal support provided will be used  
13          to supplement, and not supplant, State, Indian  
14          tribal, and local sources of funding that would  
15          otherwise be available;

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

21          “(J) impaired driving court applicants are  
22          compliant with section 164(b) of title 23,  
23          United States Code; and

24          “(3) describe—



1           “(A) the admission criteria to ensure  
2           that—

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

9                   “(ii) the individual circumstances of  
10                  each offender are considered as mitigating  
11                  or aggravating factors; and

12                  “(iii) an evidence-based clinical as-  
13                  sessment is utilized to determine the level  
14                  of care;

15           “(B) the components of the program to in-  
16           clude—

17                   “(i) a process to ensure equivalent ac-  
18                   cess and retention in the program that in-  
19                   cludes collecting and examining access and  
20                   retention data to ensure unfair disparities  
21                   do not exist;

22                   “(ii) substance use disorder or mental  
23                   health treatment for each participant  
24                   based on individualized assessments and  
25                   evidence-based treatment services;

1           “(iii) case management, relapse pre-  
2           vention, education, vocational training, job  
3           placement, housing placement, medical and  
4           dental care, parenting programs, child  
5           care, or other family support services for  
6           each participant who requires such serv-  
7           ices;

8           “(iv) diversion, probation, or other su-  
9           pervised release;

10           “(v) evidence-based graduated re-  
11           sponses;

12           “(vi) periodic and random testing for  
13           the use of controlled substances or other  
14           addictive substances; and

15           “(vii) the methodology that will be  
16           used to evaluate the program’s process and  
17           outcomes; and

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

20 **“SEC. 2954. APPLICATIONS.**

21           “To request funds under this part, the chief executive  
22           or the chief justice of a State, or the chief executive or  
23           judge of a unit of local government or Indian tribal gov-  
24           ernment, or the chief judge of a State court, or the judge  
25           of a local court or Indian tribal court shall submit an ap-

1 plication to the Attorney General in such form and con-  
2 taining such information as the Attorney General may rea-  
3 sonably require.

4 **“SEC. 2955. FEDERAL SHARE.**

5       “(a) IN GENERAL.—The Federal share of a grant  
6 made under this part may not exceed 75 percent of the  
7 total costs of the program described in the application sub-  
8 mitted under section 2954 for the fiscal year for which  
9 the program receives assistance under this part, unless the  
10 Attorney General waives, wholly or in part, the require-  
11 ment of a matching contribution under this section.

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

15 **“SEC. 2956. DISTRIBUTION AND ALLOCATION OF FUNDING.**

16       “The Attorney General shall ensure—

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

20                       “(A) collecting and examining access and  
21 retention data to ensure unfair disparities do  
22 not exist;

23                       “(B) modifying the eligibility criteria, ad-  
24 missions protocols, and other program elements

1 to address disparities, enhance recruitment, and  
2 improve retention;

3 “(C) continually monitoring whether racial  
4 and ethnic minority and female participants  
5 have equal access to the programs, receive  
6 equivalent services in the programs, and suc-  
7 cessfully complete the programs at rates equiva-  
8 lent to non-minorities and males; and

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

12 “(2) all grant awards—

13 “(A) use evidence-based clinical assessment  
14 to determine the level of care for evidence-based  
15 substance use disorder treatment, including  
16 medication for addiction treatment, if clinically  
17 appropriate and available; and

18 “(B) use substance use disorder treatment  
19 providers and services are licensed or accredited  
20 by the State substance abuse authority and that  
21 standards of care of the State are used;

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

1           “(4) all States, State courts, local courts, units  
2 of local government, and Indian tribal governments  
3 are provided with an opportunity to apply and be  
4 considered for a grant under this part;

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

7           “(6) training and technical assistance is avail-  
8 able to States that applied and did not receive a  
9 grant award.

10 **“SEC. 2957. REPORT.**

11           “(a) GRANT REPORT.—A State, Indian tribal govern-  
12 ment, or unit of local government that receives funds  
13 under this part during a fiscal year shall submit to the  
14 Attorney General a description and an evaluation report  
15 on a date specified by the Attorney General regarding the  
16 effectiveness of this part.

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

1 **“SEC. 2958. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**  
2 **UATION.**

3 “(a) TECHNICAL ASSISTANCE AND TRAINING.—The  
4 Attorney General may provide technical assistance and  
5 training in furtherance of the purposes of this part. All  
6 training and technical assistance must adhere to the na-  
7 tional best practice standards established by the National  
8 Association of Drug Court Professionals or those approved  
9 by the Department of Justice.

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

16 “(c) ADMINISTRATION.—The technical assistance,  
17 training, and evaluations authorized by this section may  
18 be carried out directly by the Attorney General, in collabo-  
19 ration with the Secretary of Health and Human Services,  
20 or through grants, contracts, or other cooperative arrange-  
21 ments with other entities.

22 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
23 is authorized to be appropriated to carry out this section  
24 \$100,000,000 for each year for fiscal years 2024 through  
25 2028.”.

