

Amendment to the Conference Report for S. 524

1 At the end of title II, add the following:

2 **SEC. 204. TREATMENT ALTERNATIVES TO INCARCERATION**

3 **GRANT PROGRAM.**

4 Part LL of title I of the Omnibus Crime Control and
5 Safe Streets Act of 1968 (42 U.S.C. 3797cc et seq.), as
6 added by this Act, is amended by adding at the end the
7 following:

8 **“SEC. 3027. TREATMENT ALTERNATIVES TO INCARCER-**
9 **ATION GRANT PROGRAM.**

10 “(a) DEFINITIONS.—In this section—

11 “(1) the term ‘eligible entity’ means a State,
12 unit of local government, Indian tribe, or nonprofit
13 organization; and

14 “(2) the term ‘eligible participant’ means an in-
15 dividual who—

16 “(A) comes into contact with the juvenile
17 justice system or criminal justice system or is
18 arrested or charged with an offense;

19 “(B) has a history of or a current—

20 “(i) substance use disorder;

21 “(ii) mental illness; or

1 “(iii) co-occurring mental illness and
2 substance use disorder; and

3 “(C) has been approved for participation in
4 a program funded under this section by, as ap-
5 plicable depending on the stage of the criminal
6 justice process, the relevant law enforcement
7 agency or prosecuting attorney, defense attor-
8 ney, probation or corrections official, judge, or
9 representative from the relevant mental health
10 or substance abuse agency.

11 “(b) PROGRAM AUTHORIZED.—The Attorney General
12 may make grants to eligible entities to develop, implement,
13 or expand a treatment alternative to incarceration pro-
14 gram for eligible participants, including—

15 “(1) pre-booking treatment alternative to incar-
16 ceration programs, including—

17 “(A) law enforcement training on sub-
18 stance use disorders, mental illness, and co-oc-
19 curring mental illness and substance use dis-
20 orders;

21 “(B) receiving centers as alternatives to in-
22 carceration of eligible participants;

23 “(C) specialized response units for calls re-
24 lated to substance use disorders, mental illness,

1 and co-occurring mental illness and substance
2 use disorders; and

3 “(D) other arrest and pre-booking treat-
4 ment alternative to incarceration models; and

5 “(2) post-booking treatment alternative to in-
6 carceration programs, including—

7 “(A) specialized clinical case management;

8 “(B) pre-trial services related to sub-
9 stances use disorders, mental illness, and co-oc-
10 ccurring mental illness and substance use dis-
11 orders;

12 “(C) prosecutor and defender based pro-
13 grams;

14 “(D) specialized probation;

15 “(E) programs utilizing the American So-
16 ciety of Addiction Medicine patient placement
17 criteria;

18 “(F) treatment and rehabilitation pro-
19 grams and recovery support services; and

20 “(G) drug courts, DWI courts, and vet-
21 erans treatment courts.

22 “(c) APPLICATION.—

23 “(1) IN GENERAL.—An eligible entity seeking a
24 grant under this section shall submit an application
25 to the Attorney General—

1 “(A) that meets the criteria under para-
2 graph (2); and

3 “(B) at such time, in such manner, and
4 accompanied by such information as the Attor-
5 ney General may require.

6 “(2) CRITERIA.—An eligible entity, in submit-
7 ting an application under paragraph (1), shall—

8 “(A) provide extensive evidence of collabo-
9 ration with State and local government agencies
10 overseeing health, community corrections,
11 courts, prosecution, substance abuse, mental
12 health, victims services, and employment serv-
13 ices, and with local law enforcement agencies;

14 “(B) demonstrate consultation with the
15 Single State Authority for Substance Abuse;

16 “(C) demonstrate that evidence-based
17 treatment practices, including if applicable the
18 use of medication assisted treatment, will be
19 utilized; and

20 “(D) demonstrate that evidenced-based
21 screening and assessment tools will be utilized
22 to place participants in the treatment alter-
23 native to incarceration program.

1 “(d) REQUIREMENTS.—Each eligible entity awarded
2 a grant for a treatment alternative to incarceration pro-
3 gram under this section shall—

4 “(1) determine the terms and conditions of par-
5 ticipation in the program by eligible participants,
6 taking into consideration the collateral consequences
7 of an arrest, prosecution, or criminal conviction;

8 “(2) ensure that each substance abuse and
9 mental health treatment component is licensed and
10 qualified by the relevant jurisdiction;

11 “(3) for programs described in subsection
12 (b)(2), organize an enforcement unit comprised of
13 appropriately trained law enforcement professionals
14 under the supervision of the State, Tribal, or local
15 criminal justice agency involved, the duties of which
16 shall include—

17 “(A) the verification of addresses and
18 other contacts of each eligible participant who
19 participates or desires to participate in the pro-
20 gram; and

21 “(B) if necessary, the location, apprehen-
22 sion, arrest, and return to court of an eligible
23 participant in the program who has absconded
24 from the facility of a treatment provider or has
25 otherwise violated the terms and conditions of

1 the program, consistent with Federal and State
2 confidentiality requirements;

3 “(4) notify the relevant criminal justice entity if
4 any eligible participant in the program absconds
5 from the facility of the treatment provider or other-
6 wise violates the terms and conditions of the pro-
7 gram, consistent with Federal and State confiden-
8 tiality requirements;

9 “(5) submit periodic reports on the progress of
10 treatment or other measured outcomes from partici-
11 pation in the program of each eligible offender par-
12 ticipating in the program to the relevant State, Trib-
13 al, or local criminal justice agency;

14 “(6) describe the evidence-based methodology
15 and outcome measurements that will be used to
16 evaluate the program, and specifically explain how
17 such measurements will provide valid measures of
18 the impact of the program; and

19 “(7) describe how the program could be broadly
20 replicated if demonstrated to be effective.

21 “(e) USE OF FUNDS.—An eligible entity shall use a
22 grant received under this section for expenses of a treat-
23 ment alternative to incarceration program, including—

1 “(1) salaries, personnel costs, equipment costs,
2 and other costs directly related to the operation of
3 the program, including the enforcement unit;

4 “(2) payments for treatment providers that are
5 approved by the relevant State or Tribal jurisdiction
6 and licensed, if necessary, to provide needed treat-
7 ment to eligible offenders participating in the pro-
8 gram, including medication assisted treatment,
9 aftercare supervision, vocational training, education,
10 and job placement; and

11 “(3) payments to public and nonprofit private
12 entities that are approved by the State or Tribal ju-
13 risdiction and licensed, if necessary, to provide alco-
14 hol and drug addiction treatment and mental health
15 treatment to eligible offenders participating in the
16 program.

17 “(f) SUPPLEMENT NOT SUPPLANT.—An eligible enti-
18 ty shall use Federal funds received under this section only
19 to supplement the funds that would, in the absence of
20 those Federal funds, be made available from other Federal
21 and non-Federal sources for the activities described in this
22 section, and not to supplant those funds.

23 “(g) GEOGRAPHIC DISTRIBUTION.—The Attorney
24 General shall ensure that, to the extent practicable, the

1 geographical distribution of grants under this section is
2 equitable and includes a grant to an eligible entity in—

3 “(1) each State;

4 “(2) rural, suburban, and urban areas; and

5 “(3) Tribal jurisdictions.

6 “(h) PRIORITY CONSIDERATION WITH RESPECT TO
7 STATES.—In awarding grants to States under this sec-
8 tion, the Attorney General shall give priority to a State
9 that provides civil liability protection for first responders,
10 health professionals, and family members administering
11 naloxone to counteract opioid overdoses by—

12 “(1) enacting legislation that provides such civil
13 liability protection; or

14 “(2) providing a certification by the attorney
15 general of the State that the attorney general has—

16 “(A) reviewed any applicable civil liability
17 protection law to determine the applicability of
18 the law with respect to first responders, health
19 care professionals, family members, and other
20 individuals who may administer naloxone to in-
21 dividuals reasonably believed to be suffering
22 from opioid overdose; and

23 “(B) concluded that the law described in
24 subparagraph (A) provides adequate civil liabil-
25 ity protection applicable to such persons.

1 “(i) REPORTS AND EVALUATIONS.—

2 “(1) IN GENERAL.—Each fiscal year, each re-
3 cipient of a grant under this section during that fis-
4 cal year shall submit to the Attorney General a re-
5 port on the outcomes of activities carried out using
6 that grant in such form, containing such informa-
7 tion, and on such dates as the Attorney General
8 shall specify.

9 “(2) CONTENTS.—A report submitted under
10 paragraph (1) shall—

11 “(A) describe best practices for treatment
12 alternatives; and

13 “(B) if applicable, identify training re-
14 quirements for law enforcement officers who
15 participate in treatment alternative to incarcer-
16 ation programs.

17 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 \$5,000,000 for each of fiscal years 2017 through 2021.”.