

115TH CONGRESS  
1ST SESSION

# H. R. 1763

To direct the Attorney General to carry out a pilot program to provide grants to eligible entities to divert individuals with low-level drug offenses to prebooking diversion programs, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2017

Mr. SEAN PATRICK MALONEY of New York introduced the following bill;  
which was referred to the Committee on the Judiciary

---

## A BILL

To direct the Attorney General to carry out a pilot program to provide grants to eligible entities to divert individuals with low-level drug offenses to prebooking diversion programs, and for other purposes.

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 “Keeping Communities  
5       Safe through Treatment Act of 2017”.

6       **SEC. 2. PILOT PROGRAM.**

7       (a) ESTABLISHMENT.—

1           (1) IN GENERAL.—Not later than 180 days  
2           after the date of the enactment of this Act, the At-  
3           torney General shall establish a pilot program to  
4           provide grants to eligible entities for prebooking di-  
5           version programs to divert individuals with low-level  
6           drug offenses to a case manager for an immediate  
7           needs assessment, crisis intervention, and to sched-  
8           ule an in-depth intake interview.

9           (2) DURATION OF PILOT PROGRAM.—The pilot  
10          program shall terminate 5 years after the date of  
11          the enactment of this Act.

12          (3) GRANTS AWARDED UNDER PILOT PRO-  
13          GRAM.—The Attorney General shall award grants  
14          under the pilot program to not fewer than 10 eligible  
15          entities.

16          (b) LIMITATION ON USE OF FUNDS.—Grant funds  
17          awarded under the pilot program may not be used to di-  
18          vert an individual with a low-level drug offense to a drug  
19          treatment program if criminal charges have been filed and  
20          are pending against such individual.

21          (c) APPLICATION.—

22                (1) IN GENERAL.—To be selected to receive a  
23                grant under the pilot program, an eligible entity  
24                shall submit to the Attorney General an application

1 at such time, in such manner, and containing such  
2 information as the Attorney General may require.

3 (2) OTHER REQUIREMENTS.—Each application  
4 for a grant under the pilot program shall include a  
5 description of how the eligible entity—

6 (A) coordinates with drug treatment pro-  
7 grams that provide medication-assisted treat-  
8 ment;

9 (B) plans to coordinate with local prosecu-  
10 tors;

11 (C) plans to divert individuals with low-  
12 level drug offenses to such programs;

13 (D) plans to monitor and record the  
14 progress of such individuals in such programs;

15 (E) plans to assess such individuals to en-  
16 sure that they have an appropriate individual-  
17 ized intervention; and

18 (F) will provide case management for such  
19 individuals.

20 (d) REPORTS.—

21 (1) QUARTERLY REPORTS.—Each quarter dur-  
22 ing the duration of the pilot program, an eligible en-  
23 tity that receives a grant under the pilot program  
24 shall submit a report to the Attorney General that  
25 includes—

1 (A) the number of individuals diverted to  
2 programs by the diversion program for which  
3 the grant funds are used;

4 (B) any subsequent arrest records of such  
5 individuals, when such records are publicly  
6 available;

7 (C) any subsequent criminal charges filed  
8 against such individuals; and

9 (D) the cost of such programs.

10 (2) ANNUAL REPORTS.—Not less than once  
11 each year during the duration of the pilot program,  
12 the Attorney General shall submit a report to Con-  
13 gress that includes—

14 (A) the number of grants awarded under  
15 the pilot program;

16 (B) the number of individuals diverted to  
17 programs by the diversion program for which  
18 the grant funds are used;

19 (C) any subsequent arrest records of such  
20 individuals, when such records are publicly  
21 available;

22 (D) any subsequent criminal charges filed  
23 against such individuals; and

24 (E) the amount of funds used to provide  
25 grants under the pilot program.

1 (e) DEFINITIONS.—In this section:

2 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
3 ty” means a law enforcement agency with jurisdic-  
4 tion over a high-intensity drug trafficking area, as  
5 designated pursuant to section 707(b) of the Office  
6 of National Drug Control Policy Reauthorization Act  
7 of 1998 (21 U.S.C. 1706(b)).

8 (2) LOW-LEVEL DRUG OFFENSE.—The term  
9 “low-level drug offense” does not include a serious  
10 violent felony.

11 (3) MEDICATION-ASSISTED TREATMENT.—The  
12 term “medication-assisted treatment” means treat-  
13 ment of substance use disorders through the use of  
14 a drug (or a combination of drugs) approved or li-  
15 censed under section 505 of the Federal Food,  
16 Drug, and Cosmetic Act (21 U.S.C. 355) or section  
17 351 of the Public Health Service Act (42 U.S.C.  
18 262), in combination with evidence-based behavioral  
19 therapies.

20 (4) SERIOUS VIOLENT FELONY.—The term “se-  
21 rious violent felony” has the meaning given such  
22 term in section 3559(c)(2) of title 18, United States  
23 Code.

24 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
25 authorized to be appropriated such funds as may be nec-

1   essary to carry out the pilot program, to be derived from  
2   the funds made available to the Office of Justice Pro-  
3   grams.

○