

106TH CONGRESS
2D SESSION

H. R. 5608

To establish alternative sentencing procedures for certain nonviolent drug offenses.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 31, 2000

Mr. CONYERS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To establish alternative sentencing procedures for certain nonviolent drug offenses.

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 “Federal Drug Treat-
5 ment Alternative Sentencing Act of 2000”.

6 **SEC. 2. ESTABLISHMENT.**

7 Notwithstanding any other provision of law, the
8 court, upon the conviction of an individual for a mis-
9 demeanor under section 404(a) of the Controlled Sub-
10 stances Act (21 U.S.C. 844(a)), if the individual is a de-

1 fendant described in section 3553(f)(2) of title 18, United
2 States Code, shall consider sentencing that individual to
3 a term of probation that includes a condition, or a term
4 of imprisonment that includes a recommendation, of par-
5 ticipation in substance abuse treatment, including a reha-
6 bilitation program as described under this Act.

7 **SEC. 3. PROBATION PROGRAMS.**

8 (a) **GENERALLY.**—If the court orders probation pur-
9 suant to section 2, the sentence of probation shall be sub-
10 ject to subtitle B of chapter 227 of title 18, United States
11 Code. In considering discretionary conditions of probation
12 under section 3563(b) of such title, the court shall con-
13 sider and use, where appropriate to assure participation
14 in substance abuse treatment, any of the following:

- 15 (1) Day fines.
- 16 (2) House arrest.
- 17 (3) Electronic monitoring.
- 18 (4) Intensive probation supervision.
- 19 (5) Day reporting centers.
- 20 (6) Victim-offender reconciliation.
- 21 (7) Intermittent confinement.
- 22 (8) Treatment in a therapeutic community.

23 (b) **ALTERNATIVE SENTENCE.**—In order to assure
24 participation in substance abuse treatment each offender
25 who participates in a substance abuse program pursuant

1 to this section shall serve a sentence of imprisonment with
2 respect to the underlying offense if that offender does not
3 successfully complete such a substance abuse treatment
4 program.

5 (c) PREFERENCE FOR COMMUNITY-BASED PRO-
6 GRAMS.—The court shall order, to the greatest extent
7 practicable, that substance abuse treatment for an indi-
8 vidual sentenced under subsection (a) shall be provided in
9 the locality in which the individual resides.

10 **SEC. 4. REHABILITATION PROGRAM.**

11 (a) IN GENERAL.—The Bureau of Prisons (herein-
12 after in this Act referred to as the “Bureau”) shall main-
13 tain a rehabilitation program for offenders sentenced to
14 incarceration under this Act. The program shall consist
15 of—

- 16 (1) residential substance abuse treatment; and
17 (2) aftercare services.

18 (b) REPORT.—The Bureau of Prisons shall transmit
19 to the Congress on January 1, 2002, and on January 1
20 of each year thereafter, a report. Such report shall
21 contain—

- 22 (1) a detailed quantitative and qualitative de-
23 scription of each substance abuse treatment pro-
24 gram, residential or not, operated by the Bureau;
25 and

1 (2) a complete statement of to what extent the
2 Bureau has achieved compliance with the require-
3 ments of this Act.

4 **SEC. 5. DEFINITIONS.**

5 As used in this Act—

6 (1) the term “residential substance abuse treat-
7 ment” means a course of individual and group ac-
8 tivities, lasting between 9 and 12 months, in residen-
9 tial treatment programs—

10 (A) directed at the substance abuse prob-
11 lems of the convicted person;

12 (B) intended to develop a person’s cog-
13 nitive, behavioral, social, vocational, and other
14 skills so as to solve the convicted person’s sub-
15 stance abuse and related problems; and

16 (C) shall include—

17 (i) addiction education;

18 (ii) individual, group, and family
19 counseling pursuant to individualized treat-
20 ment plans;

21 (iii) opportunity for involvement in Al-
22 coholics Anonymous, Narcotics Anony-
23 mous, or Cocaine Anonymous;

1 (iv) parenting skills training, domestic
2 violence counseling, and sexual abuse coun-
3 seling, where appropriate;

4 (v) HIV education counseling and
5 testing, when requested, and early inter-
6 vention services for seropositive individ-
7 uals;

8 (vi) services that facilitate access to
9 health and social services, where appro-
10 priate and to the extent available; and

11 (vii) planning for and counseling to
12 assist reentry into society, including refer-
13 rals to appropriate educational, vocational,
14 and other employment-related programs
15 (to the extent available), referrals, to ap-
16 propriate outpatient or other drug or alco-
17 hol treatment, counseling, transitional
18 housing, and assistance in obtaining suit-
19 able affordable housing and employment
20 upon completion of treatment (and release
21 from prison, if applicable);

22 (2) the term “aftercare services” means a
23 course of individual and group treatment for a min-
24 imum of one year or for the remainder of the term
25 of incarceration if less than one year, involving sus-

1 tained and frequent interaction with individuals who
2 have successfully completed a program of residential
3 substance abuse treatment, and shall include con-
4 sistent personal interaction between the individual
5 and a primary counselor or case manager, participa-
6 tion in group and individual counseling sessions, so-
7 cial activities targeted toward a recovering substance
8 abuser, and, where appropriate, more intensive inter-
9 vention; and

10 (3) the term “substance abuse or dependency”
11 means the abuse of drugs or alcohol.

12 **SEC. 6. STUDY OF THE EFFECT OF MANDATORY MINIMUM**
13 **SENTENCES FOR NONVIOLENT CONTROLLED**
14 **SUBSTANCE OFFENSES.**

15 The Attorney General shall within 1 year after the
16 enactment of this Act to the Committees on the Judiciary
17 of the House of Representatives and Senate issue a report
18 on the racial impact of mandatory minimum sentences for
19 controlled substance offenses, their effectiveness in reduc-
20 ing drug-related crime by nonviolent offenders in contrast
21 with other approaches such as drug treatment programs,
22 and the appropriateness of the use of such sentences on
23 nonviolent offenders.

○