in relation to the overall criminal justice system.

FY 1995 Drug Court Initiative

The Fiscal Year 1995 Department of Justice Appropriations Act, Public Law 103–317, has allocated \$29 million for the Drug Court grant programs. Eligibility of applicants to receive grants will be based on requirements of the statute and these regulations, as well as assurances and certifications specified in detailed program guidelines and application materials that will be available in early 1995 for the Fiscal Year 1995 Drug Court initiative.

While detailed program guidelines will follow the publication of this notice of proposed rulemaking, the Department has made some broad programmatic decisions upon which it welcomes comment. Three types of funding will be available under this program during Fiscal Year 1995. First, planning funding will be available for those jurisdictions that express interest in initiating a drug court, but have not engaged in the comprehensive planning necessary to make such a program successful. Second, jurisdictions currently operating drug court programs may seek funding to expand, enhance, or augment these ongoing efforts. Finally, for those jurisdictions that have engaged (or are currently engaged) in a comprehensive drug court planning process, funding may be available to implement the plans their efforts have produced.

Call for Comments Concerning the Drug Court Initiative

Substance abuse-related offender case management is primarily a state and local issue; thus, the Drug Court grant program contemplates collaboration between federal and state and local agencies. State and local government officials were involved in Congressional hearings and meetings that guided the development of this legislation and will continue to be involved as the Department moves forward in developing this regulation, establishing policy guidance, and implementing program guidelines. At this time, comments are welcome regarding the basic program design requirements described in § 93.4 of the proposed rule, and to the entire scope of the program.

Administrative Requirements

This regulation has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. This rule is not a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and, accordingly, this rule has not been reviewed by the Office of Management and Budget.

The Assistant Attorney General for the Office of Justice Programs, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

List of Subjects

Grant Programs, Judicial Administration.

For the reasons set out in the preamble, Title 28, Chapter I, of the Code of Federal Regulations is proposed to be amended by adding a new Part 93 consisting of Subpart A as set forth below.

PART 93—PROVISIONS IMPLEMENTING THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

Subpart A—Drug Courts

Sec.

- 93.1 Purpose.
- 93.2 Statutory authority.
- 93.3 Definitions.
- 93.4 Grant authority.
- 93.5 Exclusion of violent offenders.

Subpart B—[Reserved]

Authority: 42 U.S.C. 3796ii-3796ii-8.

Subpart A—Drug Courts

§93.1 Purpose.

This part sets forth requirements and procedures to ensure that 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, exclude violent offenders from participation in programs authorized and funded under this part.

§ 93.2 Statutory authority.

This program is authorized under the Violent Crime Control and Law Enforcement Act of 1994, Title V, Public Law 103–322, 108 Stat. 1796 (September 13, 1994), 42 U.S.C. 3796ii–3796ii–8.

§93.3 Definitions.

(a) *State* has the same meaning as set forth in section 901(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

(b) *Unit of Local Government* has the same meaning as set forth in section 901(a)(3) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

(c) *Assistant Attorney General* means the Assistant Attorney General for the Office of Justice Programs.

(d) *Violent offender* means a person who either—

(1) Is currently charged with or convicted of an offense during the course of which:

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

(ii) There occurred the use of force against the person of another; or

(iii) There occurred the death of, or serious bodily injury to, any person; without regard to whether proof of any of the elements described herein is required to convict; or

(2) Has previously been convicted of 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.

§93.4 Grant authority.

(a) The Assistant 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 problems who are not violent offenders, and

(2) The integrated administration of other sanctions and services, which shall include—

(i) Mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

(ii) Substance abuse treatment for each participant;

(iii) 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

(iv) 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.

(b) Applications for grants under this program shall be made at such times and in such form as may be specified in guidelines or notices published by the Assistant Attorney General. Applications will be evaluated according to the statutory requirements of the Act and the programmatic goals