

AMENDMENT TO RULES COMMITTEE PRINT 114-

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OFFERED BY MR. DONOVAN OF NEW YORK

Add at the end of the bill the following:

1 **SEC. 6. DIVERSION TO TREAT MATERNAL DRUG ABUSE IN**

2 **A FAMILY-CENTERED MEDICAL CONTEXT.**

3 (a) IN GENERAL.—Chapter 229 of title 18, United
4 States Code, is amended by inserting after section 3607
5 the following:

6 **“§ 3607A. Diversion to treat maternal drug abuse in a**
7 **family-centered medical context**

8 “(a) PRE-JUDGMENT PROBATION.—If a person de-
9 scribed in subsection (c) is found guilty of an offense for
10 which the maximum term of imprisonment is not more
11 than 5 years, the court may, with the consent of such per-
12 son, place such person on probation for a term of not more
13 than two years without entering a judgment of conviction.

14 “(b) CONDITIONS OF PROBATION.—A term of proba-
15 tion under this section shall include a requirement that
16 the person—

17 “(1) participate in a drug treatment program
18 approved by the court; and

1 “(2) receive periodic evaluations by a medical
2 professional.

3 “(c) DISMISSAL OF PROCEEDINGS.—At any time be-
4 fore the expiration of the term of probation, but, in the
5 case of a person who is pregnant, not during the course
6 of the person’s pregnancy, if the person has not violated
7 a condition of her probation, the court may, without enter-
8 ing a judgment of conviction, dismiss the proceedings
9 against the person and discharge her from probation. At
10 the expiration of the term of probation, if the person has
11 not violated a condition of her probation, the court shall,
12 without entering a judgment of conviction, dismiss the
13 proceedings against the person and discharge her from
14 probation.

15 “(d) REVOCATION OF PROBATION.—If the person
16 violates a condition of her probation, the court shall pro-
17 ceed in accordance with the provisions of section 3565.

18 “(e) PERSON DESCRIBED.—A person who is de-
19 scribed in this subsection is a person who—

20 “(1) is found guilty of an offense described in
21 subsection (a) during pregnancy or the postpartum
22 period; and

23 “(2) is an addict (as such term is defined in
24 section 102 of the Controlled Substances Act (21
25 U.S.C. 802)).

1 “(f) DEFINITION.—The term ‘postpartum period’
2 means the period ending 180 days after giving birth.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for chapter 229 of title 18, United States Code, is amend-
5 ed by inserting after the item relating to section 3607 the
6 following:

“3607A. Diversion to treat maternal drug abuse in a family-centered medical
context.”.

