AMENDMENT TO RULES COMMITTEE PRINT 114-52

OFFERED BY MR. DONOVAN OF NEW YORK

Add at the end of the bill the following:

SEC. 6. DIVERSION TO TREAT MATERNAL DRUG ABUSE IN A FAMILY-CENTERED MEDICAL CONTEXT.

(a) In general.—Chapter 229 of title 18, United States Code, is amended by inserting after section 3607 the following:

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

“(a) Pre-judgment Probation.—If a person described in subsection (c) is found guilty of an offense for which the maximum term of imprisonment is not more than 5 years, the court may, with the consent of such person, place such person on probation for a term of not more than two years without entering a judgment of conviction.

“(b) Conditions of Probation.—A term of probation under this section shall include a requirement that the person—

“(1) participate in a drug treatment program approved by the court; and
“(2) receive periodic evaluations by a medical professional.

“(c) DISMISSAL OF PROCEEDINGS.—At any time before the expiration of the term of probation, but, in the case of a person who is pregnant, not during the course of the person’s pregnancy, if the person has not violated a condition of her probation, the court may, without entering a judgment of conviction, dismiss the proceedings against the person and discharge her from probation. At the expiration of the term of probation, if the person has not violated a condition of her probation, the court shall, without entering a judgment of conviction, dismiss the proceedings against the person and discharge her from probation.

“(d) REVOCATION OF PROBATION.—If the person violates a condition of her probation, the court shall proceed in accordance with the provisions of section 3565.

“(e) PERSON DESCRIBED.—A person who is described in this subsection is a person who—

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

“(2) is an addict (as such term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).
“(f) DEFINITION.—The term ‘postpartum period’ means the period ending 180 days after giving birth.”.

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

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