

114TH CONGRESS  
2D SESSION

# H. R. 5832

To amend title 18, United States Code, to provide for the option to use a diversion program to treat maternal drug abuse in a family-centered medical context, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2016

Mr. DONOVAN (for himself and Mr. JEFFRIES) introduced the following bill;  
which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to provide for the option to use a diversion program to treat maternal drug abuse in a family-centered medical context, 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 “Flexibility in Family  
5 Sentencing Act of 2016”.

1 **SEC. 2. 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 (e) 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

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

21 “(c) DISMISSAL OF PROCEEDINGS.—At any time be-  
22 fore the expiration of the term of probation, but, in the  
23 case of a person who is pregnant, not during the course  
24 of the person’s pregnancy, if the person has not violated  
25 a condition of her probation, the court may, without enter-  
26 ing a judgment of conviction, dismiss the proceedings

1 against the person and discharge her from probation. At  
 2 the expiration of the term of probation, if the person has  
 3 not violated a condition of her probation, the court shall,  
 4 without entering a judgment of conviction, dismiss the  
 5 proceedings against the person and discharge her from  
 6 probation.

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

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

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

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

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

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

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