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THE ANTI-DRUG ABUSE ACT OF 1986
LOOKS TO STATE AND LOCAL
IN VolVEMENT AND PARTICIPATION
By Garland Musick

State and local governments sit square in the middle of America's drug abuse problem, and they are now on the front lines in mounting a new national counter offensive. The Anti-Drug Abuse Act of 1986 (Public Law 99-570, signed October 27, 1986) authorizes the Bureau of Justice to make grants to states for their use and/or the use of local government.

The new program is federally funded, and each participating state must formulate its strategy using state and local input. The opportunity for local government to impact on strategy development is unprecedented. The Bureau of Justice Assistance, Department of Health and Human Services and the Department of Education are developing an inter-agency agreement defining and coordinating each agency's role in the areas of drug abuse enforcement, treatment and education. Program regulations are scheduled for publication in the Federal Register in January 1987, and it is possible that some awards will be made as early as April 1987. The Bureau of Justice Assistance is soliciting recommendations for program priorities for the Discretionary Grant Program from over 800 state and local government agencies, as well as the general public. Draft guidelines for the formula grant are being sent to states and public interest groups for their review and comments. The Governor of Tennessee will designate a state office to administer the program.

Tennessee's share of funding under the Anti-Drug Abuse Act of 1986 is as follows:

GRANTS FOR ENFORCEMENT OF DRUG LAWS: Tennessee will receive an estimated $3.456 million. There is a 25% cash matching ratio requirement. The amount passed through to local government will equal the aggregate share of local governments' share of state criminal justice expenditures in the preceding fiscal year.

Funds may be used for the following purposes:

1. To provide additional personnel, equipment, facilities, personnel training and supplies for the apprehension, prosecution and adjudication of persons who violate state and local laws relating to the production, possession and transfer of controlled substances.
2. To provide additional public correctional resources for the detention of persons convicted of violating state and local drug laws.
3. To establish and improve treatment and rehabilitative counseling for drug dependent offenders.
4. To conduct programs of eradication.
5. To provide programs for drug dependent offenders.
6. To conduct demonstration programs, in conjunction with local law enforcement officials, to expedite the prosecution of major drug offenders in locations having high incidences of drug abuse and drug trafficking.

GRANTS FOR TREATMENT AND REHABILITATION PROGRAMS: Tennessee will receive an estimated $1.437 million. There is no matching ratio requirement, and there are no specific provisions for pass-through to local governments.

Funds may be used for the following purposes:

1. To provide alcohol and drug abuse treatment and rehabilitation programs, and for activities that increase the availability and outreach of programs provided by treatment centers.
2. To expand the capacity of treatment and rehabilitation programs and facilities.
3. To provide access to vocational training, job counseling and education equivalency programs to drug and alcohol abusers.

GRANTS FOR PREVENTION AND EDUCATION: Tennessee's estimated allocation for this program is $3.157 million. There is no requirement for a matching ratio of funds, and no specific provisions for pass-through to local governments.

State Educational Agency Funds may be used for the following purposes:

1. To establish or expand drug abuse prevention and intervention programs.
2. To finance grants to and contracts with community-based organizations for drug abuse prevention, early intervention, rehabilitation referral and education programs.
3. To provide development, training, technical assistance and coordination activities.

Community Based Program Funds may be distributed to local governments, public agencies and private nonprofit groups. Up to 50% of funds may be used for the following purposes:

1. To provide for drug and alcohol abuse prevention, early intervention, rehabilitation and education programs.
2. To develop training programs.
3. To provide information and materials development and distribution.
4. To provide training and technical assistance.

No less than 50% of community based program funds must be used for high-risk youth, such as school dropouts, children of drug or alcohol abusers, victims of
physical, sexual or psychological abuse, and for youths who have committed violent or delinquent acts.

The Anti-Drug Abuse Act of 1986 also strengthens major criminal provisions of federal law. The revisions drawing the most attention deal with increased sentences and fines for those involved in juvenile drug trafficking. The new act provides that any person who knowingly provides or distributes a controlled substance to any person under eighteen years or age, or employs, hires, or uses a person fourteen years of age or younger to violate any provision of Title 21, Limited State Code, shall be subject to a term of imprisonment of not more than five years and/or a fine of not more than $50,000. Any sentence imposed may not be suspended, and probation may not be granted. The schoolyard statute was also amended. It triples the fines and sentences of the enumerated offenses of Section 405A(a) of the Controlled Substance Act. The Anti-Drug Abuse Act of 1986 seeks to minimize red tape, and to increase local government involvement and responsibility in confronting and reducing the national drug abuse problem.

For further information contact your MTAS Consultant.