

108TH CONGRESS
1ST SESSION

H. R. 2387

To foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2003

Mr. STRICKLAND introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

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 “Mentally Ill Offender
5 Treatment and Crime Reduction Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) According to the Bureau of Justice Statis-
9 tics, over 16 percent of adults incarcerated in United
10 States jails and prisons have a mental illness.

1 (2) According to the Office of Juvenile Justice
2 and Delinquency Prevention, approximately 20 per-
3 cent of youth in the juvenile justice system have se-
4 rious mental health problems, and a significant
5 number have co-occurring mental health and sub-
6 stance abuse disorders.

7 (3) According to the National Alliance for the
8 Mentally Ill, up to 40 percent of adults who suffer
9 from a serious mental illness will come into contact
10 with the American criminal justice system at some
11 point in their lives.

12 (4) According to the Office of Juvenile Justice
13 and Delinquency Prevention, over 150,000 juveniles
14 who come into contact with the juvenile justice sys-
15 tem each year meet the diagnostic criteria for at
16 least 1 mental or emotional disorder.

17 (5) A significant proportion of adults with a se-
18 rious mental illness who are involved with the crimi-
19 nal justice system are homeless or at imminent risk
20 of homelessness; and many of these individuals are
21 arrested and jailed for minor, nonviolent offenses.

22 (6) The majority of individuals with a mental
23 illness or emotional disorder who are involved in the
24 criminal or juvenile justice systems are responsive to

1 medical and psychological interventions that inte-
2 grate treatment, rehabilitation, and support services.

3 (7) Collaborative programs between mental
4 health, substance abuse, and criminal or juvenile
5 justice systems that ensure the provision of services
6 for those with mental illness or co-occurring mental
7 illness and substance abuse disorders can reduce the
8 number of such individuals in adult and juvenile cor-
9 rections facilities, while providing improved public
10 safety.

11 **SEC. 3. PURPOSE.**

12 The purpose of this Act is to increase public safety
13 by facilitating collaboration among the criminal justice, ju-
14 venile justice, mental health treatment, and substance
15 abuse systems. Such collaboration is needed to—

16 (1) reduce rearrests among adult and juvenile
17 offenders with mental illness, or co-occurring mental
18 illness and substance abuse disorders;

19 (2) provide courts, including existing and new
20 mental health courts, with appropriate mental health
21 and substance abuse treatment options;

22 (3) maximize the use of alternatives to prosecu-
23 tion through diversion in appropriate cases involving
24 non-violent offenders with mental illness;

1 (4) promote adequate training for criminal jus-
2 tice system personnel about mental illness and sub-
3 stance abuse disorders and the appropriate re-
4 sponses to people with such illnesses;

5 (5) promote adequate training for mental health
6 treatment personnel about criminal offenders with
7 mental illness and the appropriate response to such
8 offenders in the criminal justice system;

9 (6) promote communication between criminal
10 justice or juvenile justice personnel, mental health
11 treatment personnel, nonviolent offenders with men-
12 tal illness, and other support services such as hous-
13 ing, job placement, community, and faith-based or-
14 ganizations; and

15 (7) promote communication, collaboration, and
16 intergovernmental partnerships among municipal,
17 county, and State elected officials with respect to
18 mentally ill offenders.

19 **SEC. 4. DEPARTMENT OF JUSTICE MENTAL HEALTH AND**
20 **CRIMINAL JUSTICE COLLABORATION PRO-**
21 **GRAM.**

22 (a) IN GENERAL.—Title I of the Omnibus Crime
23 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
24 et seq.) is amended by adding at the end the following:

1 **“PART HH—ADULT AND JUVENILE**
2 **COLLABORATION PROGRAM GRANTS**
3 **“SEC. 2991. ADULT AND JUVENILE COLLABORATION PRO-**
4 **GRAMS.**

5 “(a) DEFINITIONS.—In this section, the following
6 definitions shall apply:

7 “(1) APPLICANT.—The term ‘applicant’ means
8 States, units of local government, Indian tribes, and
9 tribal organizations that apply for a grant under this
10 section.

11 “(2) COLLABORATION PROGRAM.—The term
12 ‘collaboration program’ means a program to promote
13 public safety by ensuring access to adequate mental
14 health and other treatment services for mentally ill
15 adults or juveniles that is overseen cooperatively
16 by—

17 “(A) a criminal justice agency, a juvenile
18 justice agency, or a mental health court; and

19 “(B) a mental health agency.

20 “(3) CRIMINAL OR JUVENILE JUSTICE AGEN-
21 CY.—The term ‘criminal or juvenile justice agency’
22 means an agency of a State or local government that
23 is responsible for detection, arrest, enforcement,
24 prosecution, defense, adjudication, incarceration,
25 probation, or parole relating to the violation of the
26 criminal laws of that State or local government.

1 “(4) DIVERSION AND ALTERNATIVE PROSECU-
2 TION AND SENTENCING.—

3 “(A) IN GENERAL.—The terms ‘diversion’
4 and ‘alternative prosecution and sentencing’
5 mean the appropriate use of effective mental
6 health treatment alternatives to juvenile justice
7 or criminal justice system institutional place-
8 ments for preliminarily qualified offenders.

9 “(B) APPROPRIATE USE.—In this para-
10 graph, the term ‘appropriate use’ includes the
11 discretion of the judge or supervising authority
12 and the leveraging of justice sanctions to en-
13 courage compliance with treatment.

14 “(5) MENTAL HEALTH AGENCY.—The term
15 ‘mental health agency’ means an agency of a State
16 or local government that is responsible for mental
17 health services.

18 “(6) MENTAL HEALTH COURT.—The term
19 ‘mental health court’ means a judicial program that
20 meets the requirements of part V of this title.

21 “(7) MENTAL ILLNESS.—The term ‘mental ill-
22 ness’ means a diagnosable mental, behavioral, or
23 emotional disorder—

24 “(A) of sufficient duration to meet diag-
25 nostic criteria within the most recent edition of

1 the Diagnostic and Statistical Manual of Men-
2 tal Disorders published by the American Psy-
3 chiatric Association; and

4 “(B) that has resulted in functional im-
5 pairment that substantially interferes with or
6 limits 1 or more major life activities.

7 “(8) PRELIMINARILY QUALIFIED OFFENDER.—
8 The term ‘preliminarily qualified offender’ means an
9 adult or juvenile who—

10 “(A)(i) previously or currently has been di-
11 agnosed by a qualified mental health profes-
12 sional as having a mental illness or co-occurring
13 mental illness and substance abuse disorders; or

14 “(ii) manifests obvious signs of mental ill-
15 ness or co-occurring mental illness and sub-
16 stance abuse disorders during arrest or confine-
17 ment or before any court; and

18 “(B) has faced or is facing criminal
19 charges and is deemed eligible by a designated
20 pretrial screening and diversion process, or by
21 a magistrate or judge, on the ground that the
22 commission of the offense is the product of the
23 person’s mental illness.

1 “(9) SECRETARY.—The term ‘Secretary’ means
2 the Secretary of the Department of Health and
3 Human Services.

4 “(10) UNIT OF LOCAL GOVERNMENT.—The
5 term ‘unit of local government’ means any city,
6 county, township, town, borough, parish, village, or
7 other general purpose political subdivision of a
8 State, including a State court, local court, or a gov-
9 ernmental agency located within a city, county,
10 township, town, borough, parish, or village.

11 “(b) PLANNING AND IMPLEMENTATION GRANTS.—

12 “(1) IN GENERAL.—The Attorney General, in
13 consultation with the Secretary, may award non-
14 renewable grants to eligible applicants to prepare a
15 comprehensive plan for and implement an adult or
16 juvenile collaboration program, which targets adults
17 or juveniles with mental illness or co-occurring men-
18 tal illness and substance abuse disorders in order to
19 promote public safety and public health.

20 “(2) PURPOSES.—Grants awarded under this
21 section shall be used to create or expand—

22 “(A) mental health courts or other court-
23 based programs for preliminarily qualified of-
24 fenders;

1 “(B) programs that offer specialized train-
2 ing to the officers and employees of a criminal
3 or juvenile justice agency and mental health
4 personnel in procedures for identifying the
5 symptoms of mental illness and co-occurring
6 mental illness and substance abuse disorders in
7 order to respond appropriately to individuals
8 with such illnesses;

9 “(C) programs that support cooperative ef-
10 forts by criminal and juvenile justice agencies
11 and mental health agencies to promote public
12 safety by offering mental health treatment serv-
13 ices and, where appropriate, substance abuse
14 treatment services for—

15 “(i) preliminarily qualified offenders
16 with mental illness or co-occurring mental
17 illness and substance abuse disorders; or

18 “(ii) adult offenders with mental ill-
19 ness during periods of incarceration, while
20 under the supervision of a criminal justice
21 agency, or following release from correc-
22 tional facilities; and

23 “(D) programs that support intergovern-
24 mental cooperation between State and local gov-

1 ernments with respect to the mentally ill of-
2 fender.

3 “(3) APPLICATIONS.—

4 “(A) IN GENERAL.—To receive a planning
5 grant or an implementation grant, the joint ap-
6 plicants shall prepare and submit a single appli-
7 cation to the Attorney General at such time, in
8 such manner, and containing such information
9 as the Attorney General and the Secretary shall
10 reasonably require. An application under part V
11 of this title may be made in conjunction with an
12 application under this section.

13 “(B) COMBINED PLANNING AND IMPLE-
14 MENTATION GRANT APPLICATION.—The Attor-
15 ney General and the Secretary shall develop a
16 procedure under which applicants may apply at
17 the same time and in a single application for a
18 planning grant and an implementation grant,
19 with receipt of the implementation grant condi-
20 tioned on successful completion of the activities
21 funded by the planning grant.

22 “(4) PLANNING GRANTS.—

23 “(A) APPLICATION.—The joint applicants
24 may apply to the Attorney General for a non-

1 renewable planning grant to develop a collabo-
2 ration program.

3 “(B) CONTENTS.—The Attorney General
4 and the Secretary may not approve a planning
5 grant unless the application for the grant in-
6 cludes or provides, at a minimum, for a budget
7 and a budget justification, a description of the
8 outcome measures that will be used to measure
9 the effectiveness of the program in promoting
10 public safety and public health, the activities
11 proposed (including the provision of substance
12 abuse treatment services, where appropriate)
13 and a schedule for completion of such activities,
14 and the personnel necessary to complete such
15 activities.

16 “(C) PERIOD OF GRANT.—A planning
17 grant shall be effective for a period of 1 year,
18 beginning on the first day of the month in
19 which the planning grant is made. Applicants
20 may not receive more than 1 such planning
21 grant.

22 “(D) AMOUNT.—The amount of a plan-
23 ning grant may not exceed \$75,000, except that
24 the Attorney General may, for good cause, ap-
25 prove a grant in a higher amount.

1 “(E) COLLABORATION SET ASIDE.—Up to
2 5 percent of all planning funds shall be used to
3 foster collaboration between State and local
4 governments in furtherance of the purposes set
5 forth in the Mentally Ill Offender Treatment
6 and Crime Reduction Act of 2003.

7 “(5) IMPLEMENTATION GRANTS.—

8 “(A) APPLICATION.—Joint applicants that
9 have prepared a planning grant application may
10 apply to the Attorney General for approval of a
11 nonrenewable implementation grant to develop
12 a collaboration program.

13 “(B) COLLABORATION.—To receive an im-
14 plementation grant, the joint applicants shall—

15 “(i) document that at least 1 criminal
16 or juvenile justice agency (which can in-
17 clude a mental health court) and 1 mental
18 health agency will participate in the ad-
19 ministration of the collaboration program;

20 “(ii) describe the responsibilities of
21 each participating agency, including how
22 each agency will use grant resources to
23 jointly ensure that the provision of mental
24 health treatment services is integrated with

1 the provision of substance abuse treatment
2 services, where appropriate;

3 “(iii) in the case of an application
4 from a unit of local government, document
5 that a State mental health authority has
6 provided comment and review; and

7 “(iv) involve, to the extent practicable,
8 in developing the grant application—

9 “(I) individuals with mental ill-
10 ness or co-occurring mental illness
11 and substance abuse disorders; or

12 “(II) the families and advocates
13 of such individuals under subclause
14 (I).

15 “(C) CONTENT.—To be eligible for an im-
16 plementation grant, joint applicants shall com-
17 ply with the following:

18 “(i) DEFINITION OF TARGET POPU-
19 LATION.—Applicants for an implementa-
20 tion grant shall—

21 “(I) describe the population with
22 mental illness or co-occurring mental
23 illness and substance abuse disorders
24 that is targeted for the collaboration
25 program; and

1 “(II) develop guidelines that can
2 be used by personnel of a criminal or
3 juvenile justice agency to identify indi-
4 viduals with mental illness or co-oc-
5 curring mental illness and substance
6 abuse disorders.

7 “(ii) SERVICES.—Applicants for an
8 implementation grant shall—

9 “(I) ensure that preliminarily
10 qualified offenders who are to receive
11 treatment services under the collabo-
12 ration program will first receive indi-
13 vidualized, needs-based assessments to
14 determine, plan, and coordinate the
15 most appropriate services for such in-
16 dividuals;

17 “(II) specify plans for making
18 mental health treatment services
19 available and accessible to mentally ill
20 offenders at the time of their release
21 from the criminal justice system, in-
22 cluding outside of normal business
23 hours;

24 “(III) ensure that preliminarily
25 qualified offenders served by the col-

1 laboration program will have access to
2 community-based mental health serv-
3 ices deemed appropriate by the Sec-
4 retary, or, where appropriate, inte-
5 grated substance abuse and mental
6 health treatment services;

7 “(IV) make available, to the ex-
8 tent practicable, other support serv-
9 ices that will ensure the preliminarily
10 qualified offender’s successful re-
11 integration into the community (such
12 as housing, education, job placement,
13 mentoring, health care and benefits,
14 as well as the services of faith-based
15 and community organizations for
16 mentally ill individuals served by the
17 collaboration program); and

18 “(V) include strategies to address
19 developmental and learning disabilities
20 and problems arising from a docu-
21 mented history of physical or sexual
22 abuse.

23 “(D) HOUSING AND JOB PLACEMENT.—
24 Recipients of an implementation grant may use
25 grant funds to assist mentally ill offenders com-

1 pliant with the program in seeking housing or
2 employment assistance.

3 “(E) POLICIES AND PROCEDURES.—Appli-
4 cants for an implementation grant shall strive
5 to ensure prompt access to defense counsel by
6 criminal defendants with mental illness who are
7 facing charges that would trigger a constitu-
8 tional right to counsel.

9 “(F) FINANCIAL.—Applicants for an im-
10 plementation grant shall—

11 “(i) explain the applicant’s inability to
12 fund the collaboration program adequately
13 without Federal assistance;

14 “(ii) specify how the Federal support
15 provided will be used to supplement, and
16 not supplant, State, local, Indian tribe, or
17 tribal organization sources of funding that
18 would otherwise be available, including bill-
19 ing third-party resources for services al-
20 ready covered under programs (such as
21 Medicaid, Medicare, and the State Chil-
22 dren’s Insurance Program); and

23 “(iii) outline plans for obtaining nec-
24 essary support and continuing the pro-

1 posed collaboration program following the
2 conclusion of Federal support.

3 “(G) OUTCOMES.—Applicants for an im-
4 plementation grant shall—

5 “(i) identify methodology and outcome
6 measures, as required by the Attorney
7 General and the Secretary, to be used in
8 evaluating the effectiveness of the collabo-
9 ration program;

10 “(ii) ensure mechanisms are in place
11 to capture data, consistent with the meth-
12 odology and outcome measures under
13 clause (i); and

14 “(iii) submit specific agreements from
15 affected agencies to provide the data need-
16 ed by the Attorney General and the Sec-
17 retary to accomplish the evaluation under
18 clause (i).

19 “(H) STATE PLANS.—Applicants for an
20 implementation grant shall describe how the
21 adult or juvenile collaboration program relates
22 to existing State criminal or juvenile justice and
23 mental health plans and programs.

1 “(I) USE OF FUNDS.—Applicants that re-
2 ceive an implementation grant may use funds
3 for 1 or more of the following purposes:

4 “(i) MENTAL HEALTH COURTS AND
5 DIVERSION/ALTERNATIVE PROSECUTION
6 AND SENTENCING PROGRAMS.—Funds may
7 be used to create or expand existing men-
8 tal health courts that meet program re-
9 quirements established by the Attorney
10 General under part V of this title or diver-
11 sion and alternative prosecution and sen-
12 tencing programs (including crisis inter-
13 vention teams and treatment accountability
14 services for communities) that meet re-
15 quirements established by the Attorney
16 General and the Secretary.

17 “(ii) TRAINING.—Funds may be used
18 to create or expand programs, such as cri-
19 sis intervention training, which offer spe-
20 cialized training to—

21 “(I) criminal justice system per-
22 sonnel to identify and respond appro-
23 priately to the unique needs of an
24 adult or juvenile with mental illness or

1 co-occurring mental illness and sub-
2 stance abuse disorders; or

3 “(II) mental health system per-
4 sonnel to respond appropriately to the
5 treatment needs of preliminarily quali-
6 fied offenders.

7 “(iii) SERVICE DELIVERY.—Funds
8 may be used to create or expand programs
9 that promote public safety by providing the
10 services described in subparagraph (C)(ii)
11 to preliminarily qualified offenders.

12 “(iv) IN-JAIL AND TRANSITIONAL
13 SERVICES.—Funds may be used to pro-
14 mote and provide mental health treatment
15 for those incarcerated or for transitional
16 re-entry programs for those released from
17 any penal or correctional institution.

18 “(J) GEOGRAPHIC DISTRIBUTION OF
19 GRANTS.—The Attorney General, in consulta-
20 tion with the Secretary, shall ensure that plan-
21 ning and implementation grants are equitably
22 distributed among the geographical regions of
23 the United States and between urban and rural
24 populations.

1 “(c) PRIORITY.—The Attorney General, in awarding
2 funds under this section, shall give priority to applications
3 that—

4 “(1) demonstrate the strongest commitment to
5 ensuring that such funds are used to promote both
6 public health and public safety;

7 “(2) demonstrate the active participation of
8 each co-applicant in the administration of the col-
9 laboration program; and

10 “(3) have the support of both the Attorney
11 General and the Secretary.

12 “(d) MATCHING REQUIREMENTS.—

13 “(1) FEDERAL SHARE.—The Federal share of
14 the cost of a collaboration program carried out by a
15 State, unit of local government, Indian tribe, or trib-
16 al organization under this section shall not exceed—

17 “(A) 80 percent of the total cost of the
18 program during the first 2 years of the grant;

19 “(B) 60 percent of the total cost of the
20 program in year 3; and

21 “(C) 25 percent of the total cost of the
22 program in years 4 and 5.

23 “(2) NON-FEDERAL SHARE.—The non-Federal
24 share of payments made under this section may be

1 made in cash or in-kind fairly evaluated, including
2 planned equipment or services.

3 “(e) FEDERAL USE OF FUNDS.—The Attorney Gen-
4 eral, in consultation with the Secretary, in administering
5 grants under this section, may use up to 3 percent of
6 funds appropriated to—

7 “(1) research the use of alternatives to prosecu-
8 tion through pretrial diversion in appropriate cases
9 involving individuals with mental illness;

10 “(2) offer specialized training to personnel of
11 criminal and juvenile justice agencies in appropriate
12 diversion techniques;

13 “(3) provide technical assistance to local gov-
14 ernments, mental health courts, and diversion pro-
15 grams, including technical assistance relating to pro-
16 gram evaluation;

17 “(4) help localities build public understanding
18 and support for community reintegration of individ-
19 uals with mental illness;

20 “(5) develop a uniform program evaluation
21 process; and

22 “(6) conduct a national evaluation of the col-
23 laboration program that will include an assessment
24 of its cost-effectiveness.

25 “(f) INTERAGENCY TASK FORCE.—

1 “(1) IN GENERAL.—The Attorney General and
2 the Secretary shall establish an interagency task
3 force with the Secretaries of Housing and Urban
4 Development, Labor, Education, and Veterans Af-
5 fairs and the Commissioner of Social Security, or
6 their designees.

7 “(2) RESPONSIBILITIES.—The task force estab-
8 lished under paragraph (1) shall—

9 “(A) identify policies within their depart-
10 ments which hinder or facilitate local collabo-
11 rative initiatives for adults or juveniles with
12 mental illness or co-occurring mental illness and
13 substance abuse disorders; and

14 “(B) submit, not later than 2 years after
15 the date of enactment of this section, a report
16 to Congress containing recommendations for
17 improved interdepartmental collaboration re-
18 garding the provision of services to adults and
19 juveniles with mental illness or co-occurring
20 mental illness and substance abuse disorders.

21 “(g) MINIMUM ALLOCATION.—Unless all eligible ap-
22 plications submitted by any State or unit of local govern-
23 ment within such State for a planning or implementation
24 grant under this section have been funded, such State, to-
25 gether with grantees within the State (other than Indian

1 tribes), shall be allocated in each fiscal year under this
2 section not less than 0.75 percent of the total amount ap-
3 propriated in the fiscal year for planning or implementa-
4 tion grants pursuant to this section.

5 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Department of
7 Justice to carry out this section—

8 “(1) \$100,000,000 for each of fiscal years 2004
9 and 2005; and

10 “(2) such sums as may be necessary for fiscal
11 years 2006 through 2008.”.

12 (b) LIST OF “BEST PRACTICES”.—The Attorney
13 General, in consultation with the Secretary of Health and
14 Human Services, shall develop a list of “best practices”
15 for appropriate diversion from incarceration of adult and
16 juvenile offenders.

17 (c) TECHNICAL AMENDMENT.—The table of contents
18 of title I of the Omnibus Crime Control and Safe Streets
19 Act of 1968 (42 U.S.C. 3711 et seq.) is amended by add-
20 ing at the end the following:

“PART HH—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS
“Sec. 2991. Adult and juvenile collaboration programs.”.

○