

Calendar No. 321

108TH CONGRESS
1ST SESSION

S. 1194

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

IN THE SENATE OF THE UNITED STATES

JUNE 5, 2003

Mr. DEWINE (for himself, Mr. LEAHY, Mr. GRASSLEY, Ms. CANTWELL, Mr. DOMENICI, Mr. HATCH, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

OCTOBER 23, 2003

Reported by Mr. HATCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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~~”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) According to the Bureau of Justice Statis-
4 ties, over 16 percent of adults incarcerated in United
5 States jails and prisons have a mental illness.

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

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

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

22 (5) A significant proportion of adults with a se-
23 rious mental illness who are involved with the crimi-
24 nal justice system are homeless or at imminent risk
25 of homelessness, and many of these individuals are
26 arrested and jailed for minor, nonviolent offenses.

1 (6) The majority of individuals with a mental
2 illness or emotional disorder who are involved in the
3 criminal or juvenile justice systems are responsive to
4 medical and psychological interventions that inte-
5 grate treatment, rehabilitation, and support services.

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

14 **SEC. 3. PURPOSE.**

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

19 (1) reduce rearrests among adult and juvenile
20 offenders with mental illness, or co-occurring mental
21 illness and substance abuse disorders;

22 (2) provide courts, including existing and new
23 mental health courts, with appropriate mental health
24 and substance abuse treatment options;

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

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

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

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

18 ~~(7)~~ promote communication, collaboration, and
19 intergovernmental partnerships among municipal,
20 county, and State elected officials with respect to
21 mentally ill offenders.

1 **SEC. 4. DEPARTMENT OF JUSTICE MENTAL HEALTH AND**
 2 **CRIMINAL JUSTICE COLLABORATION PRO-**
 3 **GRAM.**

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

7 **“PART HH—ADULT AND JUVENILE**
 8 **COLLABORATION PROGRAM GRANTS**

9 **“SEC. 2991. ADULT AND JUVENILE COLLABORATION PRO-**
 10 **GRAMS.**

11 **“(a) DEFINITIONS.**—In this section, the following
 12 definitions shall apply:

13 **“(1) APPLICANT.**—The term ‘applicant’ means
 14 States, units of local government, Indian tribes, and
 15 tribal organizations that apply for a grant under this
 16 section.

17 **“(2) COLLABORATION PROGRAM.**—The term
 18 ‘collaboration program’ means a program to promote
 19 public safety by ensuring access to adequate mental
 20 health and other treatment services for mentally ill
 21 adults or juveniles that is overseen cooperatively
 22 by—

23 **“(A)** a criminal justice agency, a juvenile
 24 justice agency, or a mental health court; and

25 **“(B)** a mental health agency.

1 “(3) CRIMINAL OR JUVENILE JUSTICE AGEN-
2 CY.—The term ‘criminal or juvenile justice agency’
3 means an agency of a State or local government that
4 is responsible for detection, arrest, enforcement,
5 prosecution, defense, adjudication, incarceration,
6 probation, or parole relating to the violation of the
7 criminal laws of that State or local government.

8 “(4) DIVERSION AND ALTERNATIVE PROSECU-
9 TION AND SENTENCING.—

10 “(A) IN GENERAL.—The terms ‘diversion’
11 and ‘alternative prosecution and sentencing’
12 mean the appropriate use of effective mental
13 health treatment alternatives to juvenile justice
14 or criminal justice system institutional place-
15 ments for preliminarily qualified offenders.

16 “(B) APPROPRIATE USE.—In this para-
17 graph, the term ‘appropriate use’ includes the
18 discretion of the judge or supervising authority
19 and the leveraging of justice sanctions to en-
20 courage compliance with treatment.

21 “(5) MENTAL HEALTH AGENCY.—The term
22 ‘mental health agency’ means an agency of a State
23 or local government that is responsible for mental
24 health services.

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

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

7 “(A) of sufficient duration to meet diag-
8 nostic criteria within the most recent edition of
9 the Diagnostic and Statistical Manual of Men-
10 tal Disorders published by the American Psy-
11 chiatric Association; and

12 “(B) that has resulted in functional im-
13 pairment that substantially interferes with or
14 limits \geq or more major life activities.

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

18 “(A)(i) previously or currently has been di-
19 agnosed by a qualified mental health profes-
20 sional as having a mental illness or co-occurring
21 mental illness and substance abuse disorders; or

22 “(ii) manifests obvious signs of mental ill-
23 ness or co-occurring mental illness and sub-
24 stance abuse disorders during arrest or confine-
25 ment or before any court; and

1 “(B) has faced or is facing criminal
2 charges and is deemed eligible by a designated
3 pretrial screening and diversion process, or by
4 a magistrate or judge, on the ground that the
5 commission of the offense is the product of the
6 person’s mental illness.

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

10 “(10) UNIT OF LOCAL GOVERNMENT.—The
11 term ‘unit of local government’ means any city,
12 county, township, town, borough, parish, village, or
13 other general purpose political subdivision of a
14 State, including a State court, local court, or a gov-
15 ernmental agency located within a city, county,
16 township, town, borough, parish, or village.

17 “(b) PLANNING AND IMPLEMENTATION GRANTS.—

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

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

3 “(A) mental health courts or other court-
4 based programs for preliminarily qualified of-
5 fenders;

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

14 “(C) programs that support cooperative ef-
15 forts by criminal and juvenile justice agencies
16 and mental health agencies to promote public
17 safety by offering mental health treatment serv-
18 ices and, where appropriate, substance abuse
19 treatment services for—

20 “(i) preliminarily qualified offenders
21 with mental illness or co-occurring mental
22 illness and substance abuse disorders; or

23 “(ii) adult offenders with mental ill-
24 ness during periods of incarceration, while
25 under the supervision of a criminal justice

1 agency, or following release from correc-
2 tional facilities; and

3 “(D) programs that support intergovern-
4 mental cooperation between State and local gov-
5 ernments with respect to the mentally ill of-
6 fender.

7 “(3) APPLICATIONS.—

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

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

1 “(4) PLANNING GRANTS.—

2 “(A) APPLICATION.—The joint applicants
3 may apply to the Attorney General for a non-
4 renewable planning grant to develop a collabo-
5 ration program.

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

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

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

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

11 “(5) IMPLEMENTATION GRANTS.—

12 “(A) APPLICATION.—Joint applicants that
13 have prepared a planning grant application may
14 apply to the Attorney General for approval of a
15 nonrenewable implementation grant to develop
16 a collaboration program.

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

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

24 “(ii) describe the responsibilities of
25 each participating agency, including how

1 each agency will use grant resources to
 2 jointly ensure that the provision of mental
 3 health treatment services is integrated with
 4 the provision of substance abuse treatment
 5 services, where appropriate;

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

10 “(iv) involve, to the extent practicable,
 11 in developing the grant application—

12 “(I) individuals with mental ill-
 13 ness or co-occurring mental illness
 14 and substance abuse disorders; or

15 “(II) the families and advocates
 16 of such individuals under subclause
 17 (I).

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

21 “(i) DEFINITION OF TARGET POPU-
 22 LATION.—Applicants for an implementa-
 23 tion grant shall—

24 “(I) describe the population with
 25 mental illness or co-occurring mental

1 illness and substance abuse disorders
2 that is targeted for the collaboration
3 program; and

4 “(H) develop guidelines that can
5 be used by personnel of a criminal or
6 juvenile justice agency to identify indi-
7 viduals with mental illness or co-oc-
8 ccurring mental illness and substance
9 abuse disorders.

10 “(ii) SERVICES.—Applicants for an
11 implementation grant shall—

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

20 “(H) specify plans for making
21 mental health treatment services
22 available and accessible to mentally ill
23 offenders at the time of their release
24 from the criminal justice system, in-

1 eluding outside of normal business
2 hours;

3 “(III) ensure that preliminarily
4 qualified offenders served by the col-
5 laboration program will have access to
6 effective and appropriate community-
7 based mental health services; or,
8 where appropriate, integrated sub-
9 stance abuse and mental health treat-
10 ment services;

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

22 “(V) include strategies to address
23 developmental and learning disabilities
24 and problems arising from a docu-

1 mented history of physical or sexual
2 abuse.

3 “(D) HOUSING AND JOB PLACEMENT.—

4 Recipients of an implementation grant may use
5 grant funds to assist mentally ill offenders com-
6 pliant with the program in seeking housing or
7 employment assistance.

8 “(E) POLICIES AND PROCEDURES.—Apppli-

9 cants for an implementation grant shall strive
10 to ensure prompt access to defense counsel by
11 criminal defendants with mental illness who are
12 facing charges that would trigger a constitu-
13 tional right to counsel.

14 “(F) FINANCIAL.—Applicants for an im-
15 plementation grant shall—

16 “(i) explain the applicant’s inability to
17 fund the collaboration program adequately
18 without Federal assistance;

19 “(ii) specify how the Federal support
20 provided will be used to supplement, and
21 not supplant, State, local, Indian tribe, or
22 tribal organization sources of funding that
23 would otherwise be available, including bill-
24 ing third-party resources for services al-
25 ready covered under programs (such as

1 medicaid, medicare, and the State Chil-
2 dren's Insurance Program); and

3 “(iii) outline plans for obtaining nec-
4 essary support and continuing the pro-
5 posed collaboration program following the
6 conclusion of Federal support.

7 “(G) OUTCOMES.—Applicants for an im-
8 plementation grant shall—

9 “(i) identify methodology and outcome
10 measures, as required by the Attorney
11 General and the Secretary, to be used in
12 evaluating the effectiveness of the collabo-
13 ration program;

14 “(ii) ensure mechanisms are in place
15 to capture data, consistent with the meth-
16 odology and outcome measures under
17 clause (i); and

18 “(iii) submit specific agreements from
19 affected agencies to provide the data need-
20 ed by the Attorney General and the Sec-
21 retary to accomplish the evaluation under
22 clause (i).

23 “(H) STATE PLANS.—Applicants for an
24 implementation grant shall describe how the
25 adult or juvenile collaboration program relates

1 to existing State criminal or juvenile justice and
2 mental health plans and programs.

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

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

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

23 “(I) criminal justice system per-
24 sonnel to identify and respond appro-
25 priately to the unique needs of an

1 adult or juvenile with mental illness or
2 co-occurring mental illness and sub-
3 stance abuse disorders; or

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

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

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

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

1 “(e) 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.”.

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Mentally Ill Offender*
 23 *Treatment and Crime Reduction Act of 2003”.*

1 **SEC. 2. FINDINGS.**

2 *Congress finds the following:*

3 *(1) According to the Bureau of Justice Statistics,*
4 *over 16 percent of adults incarcerated in United*
5 *States jails and prisons have a mental illness.*

6 *(2) According to the Office of Juvenile Justice*
7 *and Delinquency Prevention, approximately 20 per-*
8 *cent of youth in the juvenile justice system have seri-*
9 *ous mental health problems, and a significant number*
10 *have co-occurring mental health and substance abuse*
11 *disorders.*

12 *(3) According to the National Alliance for the*
13 *Mentally Ill, up to 40 percent of adults who suffer*
14 *from a serious mental illness will come into contact*
15 *with the American criminal justice system at some*
16 *point in their lives.*

17 *(4) According to the Office of Juvenile Justice*
18 *and Delinquency Prevention, over 150,000 juveniles*
19 *who come into contact with the juvenile justice system*
20 *each year meet the diagnostic criteria for at least 1*
21 *mental or emotional disorder.*

22 *(5) A significant proportion of adults with a se-*
23 *rious mental illness who are involved with the crimi-*
24 *nal justice system are homeless or at imminent risk*
25 *of homelessness; and many of these individuals are*
26 *arrested and jailed for minor, nonviolent offenses.*

1 (6) *The majority of individuals with a mental*
2 *illness or emotional disorder who are involved in the*
3 *criminal or juvenile justice systems are responsive to*
4 *medical and psychological interventions that integrate*
5 *treatment, rehabilitation, and support services.*

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

14 **SEC. 3. PURPOSE.**

15 *The purpose of this Act is to increase public safety by*
16 *facilitating collaboration among the criminal justice, juve-*
17 *nile justice, mental health treatment, and substance abuse*
18 *systems. Such collaboration is needed to—*

19 (1) *reduce rearrests among adult and juvenile of-*
20 *fenders with mental illness or co-occurring mental ill-*
21 *ness and substance abuse disorders;*

22 (2) *provide courts, including existing and new*
23 *mental health courts, with appropriate mental health*
24 *and substance abuse treatment options;*

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

4 (4) promote adequate training for criminal jus-
5 tice system personnel about mental illness and sub-
6 stance abuse disorders and the appropriate responses
7 to people with such illnesses;

8 (5) promote adequate training for mental health
9 and substance abuse treatment personnel about crimi-
10 nal offenders with mental illness or co-occurring men-
11 tal illness of substance abuse disorders and the appro-
12 priate response to such offenders in the criminal jus-
13 tice system;

14 (6) promote communication between criminal
15 justice or juvenile justice personnel, mental health
16 and co-occurring mental illness and substance abuse
17 disorders treatment personnel, nonviolent offenders
18 with mental illness or co-occurring mental illness and
19 substance abuse disorders, and other support services
20 such as housing, job placement, community, and
21 faith-based organizations; and

22 (7) promote communication, collaboration, and
23 intergovernmental partnerships among municipal,
24 county, and State elected officials with respect to
25 mentally ill offenders.

1 **SEC. 4. DEPARTMENT OF JUSTICE MENTAL HEALTH AND**
 2 **CRIMINAL JUSTICE COLLABORATION PRO-**
 3 **GRAM.**

4 (a) *IN GENERAL.*—*Title I of the Omnibus Crime Con-*
 5 *trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.)*
 6 *is amended by adding at the end the following:*

7 **“PART HH—ADULT AND JUVENILE**
 8 **COLLABORATION PROGRAM GRANTS**

9 **“SEC. 2991. ADULT AND JUVENILE COLLABORATION PRO-**
 10 **GRAMS.**

11 “(a) *DEFINITIONS.*—*In this section, the following defi-*
 12 *initions shall apply:*

13 “(1) *APPLICANT.*—*The term ‘applicant’ means*
 14 *States, units of local government, Indian tribes, and*
 15 *tribal organizations that apply for a grant under this*
 16 *section.*

17 “(2) *COLLABORATION PROGRAM.*—*The term ‘col-*
 18 *laboration program’ means a program to promote*
 19 *public safety by ensuring access to adequate mental*
 20 *health and other treatment services for mentally ill*
 21 *adults or juveniles that is overseen cooperatively by—*

22 “(A) *a criminal justice agency, a juvenile*
 23 *justice agency, or a mental health court; and*

24 “(B) *a mental health agency.*

25 “(3) *CRIMINAL OR JUVENILE JUSTICE AGENCY.*—
 26 *The term ‘criminal or juvenile justice agency’ means*

1 *an agency of a State or local government or its con-*
2 *tracted agency that is responsible for detection, arrest,*
3 *enforcement, prosecution, defense, adjudication, incar-*
4 *ceration, probation, or parole relating to the violation*
5 *of the criminal laws of that State or local govern-*
6 *ment.*

7 “(4) *DIVERSION AND ALTERNATIVE PROSECU-*
8 *TION AND SENTENCING.—*

9 “(A) *IN GENERAL.—The terms ‘diversion’*
10 *and ‘alternative prosecution and sentencing’*
11 *mean the appropriate use of effective mental*
12 *health treatment alternatives to juvenile justice*
13 *or criminal justice system institutional place-*
14 *ments for preliminarily qualified offenders.*

15 “(B) *APPROPRIATE USE.—In this para-*
16 *graph, the term ‘appropriate use’ includes the*
17 *discretion of the judge or supervising authority,*
18 *the leveraging of justice sanctions to encourage*
19 *compliance with treatment, and law enforcement*
20 *diversion, including crisis intervention teams.*

21 “(5) *MENTAL HEALTH AGENCY.—The term ‘men-*
22 *tal health agency’ means an agency of a State or local*
23 *government or its contracted agency that is respon-*
24 *sible for mental health services or co-occurring mental*
25 *health and substance abuse disorders.*

1 “(6) *MENTAL HEALTH COURT.*—*The term ‘men-*
2 *tal health court’ means a judicial program that meets*
3 *the requirements of part V of this title.*

4 “(7) *MENTAL ILLNESS.*—*The term ‘mental ill-*
5 *ness’ means a diagnosable mental, behavioral, or emo-*
6 *tional disorder—*

7 “(A) *of sufficient duration to meet diag-*
8 *nostic criteria within the most recent edition of*
9 *the Diagnostic and Statistical Manual of Mental*
10 *Disorders published by the American Psychiatric*
11 *Association; and*

12 “(B)(i) *that, in the case of an adult, has re-*
13 *sulted in functional impairment that substan-*
14 *tially interferes with or limits 1 or more major*
15 *life activities; or*

16 “(ii) *that, in the case of a juvenile, has re-*
17 *sulted in functional impairment that substan-*
18 *tially interferes with or limits the juvenile’s role*
19 *or functioning in family, school, or community*
20 *activities.*

21 “(8) *PRELIMINARILY QUALIFIED OFFENDER.*—
22 *The term ‘preliminarily qualified offender’ means a*
23 *nonviolent adult or juvenile who—*

24 “(A)(i) *previously or currently has been di-*
25 *agnosed by a qualified mental health professional*

1 *as having a mental illness or co-occurring men-*
2 *tal illness and substance abuse disorders; or*

3 *“(i) manifests obvious signs of mental ill-*
4 *ness or co-occurring mental illness and substance*
5 *abuse disorders during arrest or confinement or*
6 *before any court; and*

7 *“(B) has faced, is facing, or could face*
8 *criminal charges and is deemed eligible by a di-*
9 *version process, designated pretrial screening*
10 *process, or by a magistrate or judge, on the*
11 *ground that the commission of the offense is the*
12 *product of the person’s mental illness.*

13 *“(9) SECRETARY.—The term ‘Secretary’ means*
14 *the Secretary of the Department of Health and*
15 *Human Services.*

16 *“(10) UNIT OF LOCAL GOVERNMENT.—The term*
17 *‘unit of local government’ means any city, county,*
18 *township, town, borough, parish, village, or other gen-*
19 *eral purpose political subdivision of a State, includ-*
20 *ing a State court, local court, or a governmental*
21 *agency located within a city, county, township, town,*
22 *borough, parish, or village.*

23 *“(b) PLANNING AND IMPLEMENTATION GRANTS.—*

24 *“(1) IN GENERAL.—The Attorney General, in*
25 *consultation with the Secretary, may award non-*

1 *renewable grants to eligible applicants to prepare a*
2 *comprehensive plan for and implement an adult or*
3 *juvenile collaboration program, which targets prelimi-*
4 *nary qualified offenders in order to promote public*
5 *safety and public health.*

6 *“(2) PURPOSES.—Grants awarded under this*
7 *section shall be used to create or expand—*

8 *“(A) mental health courts or other court-*
9 *based programs for preliminarily qualified of-*
10 *fenders;*

11 *“(B) programs that offer specialized train-*
12 *ing to the officers and employees of a criminal*
13 *or juvenile justice agency and mental health per-*
14 *sonnel serving those with co-occurring mental ill-*
15 *ness and substance abuse problems in procedures*
16 *for identifying the symptoms of preliminary*
17 *qualified offenders in order to respond appro-*
18 *priately to individuals with such illnesses;*

19 *“(C) programs that support cooperative ef-*
20 *forts by criminal and juvenile justice agencies*
21 *and mental health agencies to promote public*
22 *safety by offering mental health treatment serv-*
23 *ices and, where appropriate, substance abuse*
24 *treatment services for—*

1 “(i) *preliminarily qualified offenders*
2 *with mental illness or co-occurring mental*
3 *illness and substance abuse disorders; or*

4 “(ii) *adult offenders with mental ill-*
5 *ness during periods of incarceration, while*
6 *under the supervision of a criminal justice*
7 *agency, or following release from correc-*
8 *tional facilities; and*

9 “(D) *programs that support intergovern-*
10 *mental cooperation between State and local gov-*
11 *ernments with respect to the mentally ill of-*
12 *fender.*

13 “(3) *APPLICATIONS.—*

14 “(A) *IN GENERAL.—To receive a planning*
15 *grant or an implementation grant, the joint ap-*
16 *plicants shall prepare and submit a single appli-*
17 *cation to the Attorney General at such time, in*
18 *such manner, and containing such information*
19 *as the Attorney General and the Secretary shall*
20 *reasonably require. An application under part V*
21 *of this title may be made in conjunction with*
22 *an application under this section.*

23 “(B) *COMBINED PLANNING AND IMPLEMEN-*
24 *TATION GRANT APPLICATION.—The Attorney*
25 *General and the Secretary shall develop a proce-*

1 *dure under which applicants may apply at the*
2 *same time and in a single application for a*
3 *planning grant and an implementation grant,*
4 *with receipt of the implementation grant condi-*
5 *tioned on successful completion of the activities*
6 *funded by the planning grant.*

7 “(4) *PLANNING GRANTS.*—

8 “(A) *APPLICATION.*—*The joint applicants*
9 *may apply to the Attorney General for a non-*
10 *renewable planning grant to develop a collabora-*
11 *tion program.*

12 “(B) *CONTENTS.*—*The Attorney General*
13 *and the Secretary may not approve a planning*
14 *grant unless the application for the grant in-*
15 *cludes or provides, at a minimum, for a budget*
16 *and a budget justification, a description of the*
17 *outcome measures that will be used to measure*
18 *the effectiveness of the program in promoting*
19 *public safety and public health, the activities*
20 *proposed (including the provision of substance*
21 *abuse treatment services, where appropriate) and*
22 *a schedule for completion of such activities, and*
23 *the personnel necessary to complete such activi-*
24 *ties.*

1 “(C) *PERIOD OF GRANT.*—A planning grant
2 shall be effective for a period of 1 year, begin-
3 ning on the first day of the month in which the
4 planning grant is made. Applicants may not re-
5 ceive more than 1 such planning grant.

6 “(D) *AMOUNT.*—The amount of a planning
7 grant may not exceed \$75,000, except that the
8 Attorney General may, for good cause, approve a
9 grant in a higher amount.

10 “(E) *COLLABORATION SET ASIDE.*—Up to 5
11 percent of all planning funds shall be used to fos-
12 ter collaboration between State and local govern-
13 ments in furtherance of the purposes set forth in
14 the *Mentally Ill Offender Treatment and Crime*
15 *Reduction Act of 2003.*

16 “(5) *IMPLEMENTATION GRANTS.*—

17 “(A) *APPLICATION.*—Joint applicants that
18 have prepared a planning grant application
19 may apply to the Attorney General for approval
20 of a nonrenewable implementation grant to de-
21 velop a collaboration program.

22 “(B) *COLLABORATION.*—To receive an im-
23 plementation grant, the joint applicants shall—

24 “(i) document that at least 1 criminal
25 or juvenile justice agency (which can in-

1 *clude a mental health court) and 1 mental*
2 *health agency or agency providing mental*
3 *health and substance abuse services to those*
4 *with co-occurring mental health and sub-*
5 *stance abuse disorders will participate in*
6 *the administration of the collaboration pro-*
7 *gram;*

8 *“(ii) describe the responsibilities of*
9 *each participating agency, including how*
10 *each agency will use grant resources to*
11 *jointly ensure that the provision of mental*
12 *health treatment services and qualified sub-*
13 *stance abuse services is coordinated, which*
14 *includes consultation, collaboration, and in-*
15 *tegrated services, where clinically appro-*
16 *priate;*

17 *“(iii) in the case of an application*
18 *from a unit of local government, document*
19 *that a State mental health authority has*
20 *provided comment and review; and*

21 *“(iv) involve, to the extent practicable,*
22 *in developing the grant application—*

23 *“(I) preliminary qualified offend-*
24 *ers; or*

1 “(II) *the families and advocates of*
2 *such individuals under subclause (I).*

3 “(C) *CONTENT.—To be eligible for an im-*
4 *plementation grant, joint applicants shall com-*
5 *ply with the following:*

6 “(i) *DEFINITION OF TARGET POPU-*
7 *LATION.—Applicants for an implementation*
8 *grant shall—*

9 “(I) *describe the population with*
10 *mental illness or co-occurring mental*
11 *illness and substance abuse disorders*
12 *that is targeted for the collaboration*
13 *program; and*

14 “(II) *develop guidelines that can*
15 *be used by personnel of a criminal or*
16 *juvenile justice agency to identify pre-*
17 *liminary qualified offenders.*

18 “(ii) *SERVICES.—Applicants for an*
19 *implementation grant shall—*

20 “(I) *ensure that preliminarily*
21 *qualified offenders who are to receive*
22 *treatment services under the collabora-*
23 *tion program will first receive individ-*
24 *ualized, needs-based assessments to de-*
25 *termine, plan, and coordinate the most*

1 *appropriate services for such individ-*
2 *uals;*

3 “(II) *specify plans for making*
4 *mental health, or mental health and*
5 *substance abuse, treatment services*
6 *available and accessible to preliminary*
7 *qualified offenders at the time of their*
8 *release from the criminal justice sys-*
9 *tem, including outside of normal busi-*
10 *ness hours;*

11 “(III) *ensure that there are sub-*
12 *stance abuse personnel available to re-*
13 *spond appropriately to the treatment*
14 *needs of preliminary qualified offend-*
15 *ers;*

16 “(IV) *ensure that preliminarily*
17 *qualified offenders served by the col-*
18 *laboration program will have access to*
19 *effective and appropriate community-*
20 *based mental health services, or, where*
21 *clinically appropriate, coordinated*
22 *substance abuse and mental health*
23 *treatment services;*

24 “(V) *make available, to the extent*
25 *practicable, other support services that*

1 *will ensure the preliminarily qualified*
2 *offender’s successful reintegration into*
3 *the community (such as housing, edu-*
4 *cation, job placement, mentoring, and*
5 *health care and benefits, as well as the*
6 *services of faith-based and community*
7 *organizations for mentally ill individ-*
8 *uals served by the collaboration pro-*
9 *gram); and*

10 *“(VI) include strategies, to the ex-*
11 *tent practicable, to address develop-*
12 *mental and learning disabilities and*
13 *problems arising from a documented*
14 *history of physical or sexual abuse.*

15 *“(D) HOUSING AND JOB PLACEMENT.—Re-*
16 *ipients of an implementation grant may use*
17 *grant funds to assist mentally ill offenders com-*
18 *pliant with the program in seeking housing or*
19 *employment assistance.*

20 *“(E) POLICIES AND PROCEDURES.—Appli-*
21 *cants for an implementation grant shall strive to*
22 *ensure prompt access to defense counsel by crimi-*
23 *nal defendants with mental illness who are fac-*
24 *ing charges that would trigger a constitutional*
25 *right to counsel.*

1 “(F) *FINANCIAL*.—Applicants for an imple-
2 mentation grant shall—

3 “(i) *explain the applicant’s inability*
4 *to fund the collaboration program ade-*
5 *quately without Federal assistance;*

6 “(ii) *specify how the Federal support*
7 *provided will be used to supplement, and*
8 *not supplant, State, local, Indian tribe, or*
9 *tribal organization sources of funding that*
10 *would otherwise be available, including bill-*
11 *ing third-party resources for services al-*
12 *ready covered under programs (such as*
13 *medicaid, medicare, and the State Chil-*
14 *dren’s Insurance Program); and*

15 “(iii) *outline plans for obtaining nec-*
16 *essary support and continuing the proposed*
17 *collaboration program following the conclu-*
18 *sion of Federal support.*

19 “(G) *OUTCOMES*.—Applicants for an imple-
20 mentation grant shall—

21 “(i) *identify methodology and outcome*
22 *measures, as required by the Attorney Gen-*
23 *eral and the Secretary, to be used in evalu-*
24 *ating the effectiveness of the collaboration*
25 *program;*

1 “(ii) ensure mechanisms are in place
2 to capture data, consistent with the method-
3 ology and outcome measures under clause
4 (i); and

5 “(iii) submit specific agreements from
6 affected agencies to provide the data needed
7 by the Attorney General and the Secretary
8 to accomplish the evaluation under clause
9 (i).

10 “(H) STATE PLANS.—Applicants for an im-
11 plementation grant shall describe how the adult
12 or juvenile collaboration program relates to exist-
13 ing State criminal or juvenile justice and mental
14 health plans and programs.

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

18 “(i) MENTAL HEALTH COURTS AND DI-
19 VERSION/ALTERNATIVE PROSECUTION AND
20 SENTENCING PROGRAMS.—Funds may be
21 used to create or expand existing mental
22 health courts that meet program require-
23 ments established by the Attorney General
24 under part V of this title, other court-based
25 programs, or diversion and alternative

1 prosecution and sentencing programs (in-
2 cluding crisis intervention teams and treat-
3 ment accountability services for commu-
4 nities) that meet requirements established
5 by the Attorney General and the Secretary.

6 “(ii) TRAINING.—Funds may be used
7 to create or expand programs, such as crisis
8 intervention training, which offer special-
9 ized training to—

10 “(I) criminal justice system per-
11 sonnel to identify and respond appro-
12 priately to the unique needs of prelimi-
13 nary qualified offenders; or

14 “(II) mental health system per-
15 sonnel to respond appropriately to the
16 treatment needs of preliminarily quali-
17 fied offenders.

18 “(iii) SERVICE DELIVERY.—Funds
19 may be used to create or expand programs
20 that promote public safety by providing the
21 services described in subparagraph (C)(ii)
22 to preliminarily qualified offenders.

23 “(iv) IN-JAIL AND TRANSITIONAL SERV-
24 ICES.—Funds may be used to promote and
25 provide mental health treatment for those

1 *incarcerated or for transitional re-entry*
2 *programs for those released from any penal*
3 *or correctional institution.*

4 “(J) *GEOGRAPHIC DISTRIBUTION OF*
5 *GRANTS.—The Attorney General, in consultation*
6 *with the Secretary, shall ensure that planning*
7 *and implementation grants are equitably distrib-*
8 *uted among the geographical regions of the*
9 *United States and between urban and rural pop-*
10 *ulations.*

11 “(c) *PRIORITY.—The Attorney General, in awarding*
12 *funds under this section, shall give priority to applications*
13 *that—*

14 “(1) *demonstrate the strongest commitment to*
15 *ensuring that such funds are used to promote both*
16 *public health and public safety;*

17 “(2) *demonstrate the active participation of each*
18 *co-applicant in the administration of the collabora-*
19 *tion program; and*

20 “(3) *have the support of both the Attorney Gen-*
21 *eral and the Secretary.*

22 “(d) *MATCHING REQUIREMENTS.—*

23 “(1) *FEDERAL SHARE.—The Federal share of the*
24 *cost of a collaboration program carried out by a*

1 *State, unit of local government, Indian tribe, or tribal*
2 *organization under this section shall not exceed—*

3 “(A) 80 percent of the total cost of the pro-
4 gram during the first 2 years of the grant;

5 “(B) 60 percent of the total cost of the pro-
6 gram in year 3; and

7 “(C) 25 percent of the total cost of the pro-
8 gram in years 4 and 5.

9 “(2) *NON-FEDERAL SHARE.*—*The non-Federal*
10 *share of payments made under this section may be*
11 *made in cash or in-kind fairly evaluated, including*
12 *planned equipment or services.*

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

17 “(1) *research the use of alternatives to prosecu-*
18 *tion through pretrial diversion in appropriate cases*
19 *involving individuals with mental illness;*

20 “(2) *offer specialized training to personnel of*
21 *criminal and juvenile justice agencies in appropriate*
22 *diversion techniques;*

23 “(3) *provide technical assistance to local govern-*
24 *ments, mental health courts, and diversion programs,*

1 *including technical assistance relating to program*
2 *evaluation;*

3 *“(4) help localities build public understanding*
4 *and support for community reintegration of individ-*
5 *uals with mental illness;*

6 *“(5) develop a uniform program evaluation proc-*
7 *ess; and*

8 *“(6) conduct a national evaluation of the col-*
9 *laboration program that will include an assessment of*
10 *its cost-effectiveness.*

11 *“(f) INTERAGENCY TASK FORCE.—*

12 *“(1) IN GENERAL.—The Attorney General and*
13 *the Secretary shall establish an interagency task force*
14 *with the Secretaries of Housing and Urban Develop-*
15 *ment, Labor, Education, and Veterans Affairs and the*
16 *Commissioner of Social Security, or their designees.*

17 *“(2) RESPONSIBILITIES.—The task force estab-*
18 *lished under paragraph (1) shall—*

19 *“(A) identify policies within their depart-*
20 *ments that hinder or facilitate local collaborative*
21 *initiatives for preliminary qualified offenders;*
22 *and*

23 *“(B) submit, not later than 2 years after*
24 *the date of enactment of this section, a report to*
25 *Congress containing recommendations for im-*

1 *proved interdepartmental collaboration regard-*
2 *ing the provision of services to preliminary*
3 *qualified offenders.*

4 “(g) *MINIMUM ALLOCATION.*—*Unless all eligible appli-*
5 *cations submitted by any State or unit of local government*
6 *within such State for a planning or implementation grant*
7 *under this section have been funded, such State, together*
8 *with grantees within the State (other than Indian tribes),*
9 *shall be allocated in each fiscal year under this section not*
10 *less than 0.75 percent of the total amount appropriated in*
11 *the fiscal year for planning or implementation grants pur-*
12 *suant to this section.*

13 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
14 *are authorized to be appropriated to the Department of Jus-*
15 *tice to carry out this section—*

16 “(1) *\$100,000,000 for each of fiscal years 2004*
17 *and 2005; and*

18 “(2) *such sums as may be necessary for fiscal*
19 *years 2006 through 2008.”.*

20 “(b) *LIST OF “BEST PRACTICES”.*—*The Attorney Gen-*
21 *eral, in consultation with the Secretary of Health and*
22 *Human Services, shall develop a list of “best practices” for*
23 *appropriate diversion from incarceration of adult and juve-*
24 *nile offenders.*

1 (c) *TECHNICAL AMENDMENT.—The table of contents of*
2 *title I of the Omnibus Crime Control and Safe Streets Act*
3 *of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at*
4 *the end the following:*

 “*PART HH—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS*

 “*Sec. 2991. Adult and juvenile collaboration programs.*”

Calendar No. 321

108TH CONGRESS
1ST SESSION

S. 1194

A BILL

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

OCTOBER 23, 2003

Reported with an amendment