To reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2013

Mr. FRANKEN (for himself, Mr. JOHANNES, Mr. LEAHY, Mr. GRAHAM, Mr. DURBIN, Ms. AYOTTE, Mr. COONS, Mr. HATCH, Mr. BLUMENTHAL, Ms. COLLINS, Mr. PORTMAN, Mrs. SHAHEEN, Mr. WYDEN, Mrs. GILLIBRAND, Mr. BROWN, Ms. WARREN, Mr. REED, Mr. SCHUMER, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary.

A BILL

To reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Justice and Mental Health Collaboration Act of 2013”.

SEC. 2. ASSISTING VETERANS.

(a) REDESIGNATION.—Section 2991 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C.
3797aa) is amended by redesignating subsection (i) as subsection (l).

(b) ASSISTING VETERANS.—Section 2991 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended by inserting after subsection (h) the following:

“(i) ASSISTING VETERANS.—

“(1) DEFINITIONS.—In this subsection:

“(A) PEER TO PEER SERVICES OR PROGRAMS.—The term ‘peer to peer services or programs’ means services or programs that connect qualified veterans with other veterans for the purpose of providing support and mentorship to assist qualified veterans in obtaining treatment, recovery, stabilization, or rehabilitation.

“(B) QUALIFIED VETERAN.—The term ‘qualified veteran’ means a preliminarily qualified offender who—

“(i) has served on active duty in any branch of the Armed Forces, including the National Guard and reserve components; and
“(ii) was discharged or released from such service under conditions other than dishonorable.

“(C) Veterans treatment court program.—The term ‘veterans treatment court program’ means a court program involving collaboration among criminal justice, veterans, and mental health and substance abuse agencies that provides qualified veterans with—

“(i) intensive judicial supervision and case management, which may include random and frequent drug testing where appropriate;

“(ii) a full continuum of treatment services, including mental health services, substance abuse services, medical services, and services to address trauma;

“(iii) alternatives to incarceration; and

“(iv) other appropriate services, including housing, transportation, mentoring, employment, job training, education, and assistance in applying for and obtaining available benefits.

“(2) Veterans assistance program.—
“(A) IN GENERAL.—The Attorney General, in consultation with the Secretary of Veterans Affairs, may award grants under this subsection to applicants to establish or expand—

“(i) veterans treatment court programs;

“(ii) peer to peer services or programs for qualified veterans;

“(iii) practices that identify and provide treatment, rehabilitation, legal, transitional, and other appropriate services to qualified veterans who have been incarcerated; and

“(iv) training programs to teach criminal justice, law enforcement, corrections, mental health, and substance abuse personnel how to identify and appropriately respond to incidents involving qualified veterans.

“(B) PRIORITY.—In awarding grants under this subsection, the Attorney General shall give priority to applications that—

“(i) demonstrate collaboration between and joint investments by criminal
justice, mental health, substance abuse, and veterans service agencies;

“(ii) promote effective strategies to identify and reduce the risk of harm to qualified veterans and public safety; and

“(iii) propose interventions with empirical support to improve outcomes for qualified veterans.”.

SEC. 3. CORRECTIONAL FACILITIES.

Section 2991 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended by inserting after subsection (i), as so added by section 2, the following:

“(j) CORRECTIONAL FACILITIES.—

“(1) DEFINITIONS.—

“(A) CORRECTIONAL FACILITY.—The term ‘correctional facility’ means a jail, prison, or other detention facility used to house people who have been arrested, detained, held, or convicted by a criminal justice agency or a court.

“(B) ELIGIBLE INMATE.—The term ‘eligible inmate’ means an individual who—

“(i) is being held, detained, or incarcerated in a correctional facility; and
“(ii) manifests obvious signs of a mental illness or has been diagnosed by a qualified mental health professional as having a mental illness.

“(2) CORRECTIONAL FACILITY GRANTS.—The Attorney General may award grants to applicants to enhance the capabilities of a correctional facility—

“(A) to identify and screen for eligible inmates;

“(B) to plan and provide—

“(i) initial and periodic assessments of the clinical, medical, and social needs of inmates; and

“(ii) appropriate treatment and services that address the mental health and substance abuse needs of inmates;

“(C) to develop, implement, and enhance—

“(i) post-release transition plans for eligible inmates that, in a comprehensive manner, coordinate health, housing, medical, employment, and other appropriate services and public benefits;

“(ii) the availability of mental health care services and substance abuse treatment services; and
“(iii) alternatives to solitary confinement and segregated housing and mental health screening and treatment for inmates placed in solitary confinement or segregated housing; and

“(D) to train each employee of the correctional facility to identify and appropriately respond to incidents involving inmates with mental health or co-occurring mental health and substance abuse disorders.”.

SEC. 4. HIGH UTILIZERS.

Section 2991 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended by inserting after subsection (j), as added by section 3, the following:

“(k) DEMONSTRATION GRANTS RESPONDING TO HIGH UTILIZERS.—

“(1) DEFINITION.—In this subsection, the term ‘high utilizer’ means an individual who—

“(A) manifests obvious signs of mental illness or has been diagnosed by a qualified mental health professional as having a mental illness; and

“(B) consumes a significantly disproportionate quantity of public resources, such as
emergency, housing, judicial, corrections, and 

law enforcement services.

“(2) Demonstration grants responding to 

high utilizers.—

“(A) In general.—The Attorney General 

may award not more than 6 grants per year 

under this subsection to applicants for the pur- 

pose of reducing the use of public services by 

high utilizers.

“(B) Use of grants.—A recipient of a 

grant awarded under this subsection may use 

the grant—

“(i) to develop or support multidiscip- 

linary teams that coordinate, implement, 

and administer community-based crisis re- 

sponses and long-term plans for high uti-

lizers;

“(ii) to provide training on how to re- 

spond appropriately to the unique issues 

involving high utilizers for public service 

personnel, including criminal justice, men-

tal health, substance abuse, emergency 

room, healthcare, law enforcement, correc-

tions, and housing personnel;
“(iii) to develop or support alternatives to hospital and jail admissions for high utilizers that provide treatment, stabilization, and other appropriate supports in the least restrictive, yet appropriate, environment; or

“(iv) to develop protocols and systems among law enforcement, mental health, substance abuse, housing, corrections, and emergency medical service operations to provide coordinated assistance to high utilizers.

“(C) REPORT.—Not later than the last day of the first year following the fiscal year in which a grant is awarded under this subsection, the recipient of the grant shall submit to the Attorney General a report that—

“(i) measures the performance of the grant recipient in reducing the use of public services by high utilizers; and

“(ii) provides a model set of practices, systems, or procedures that other jurisdictions can adopt to reduce the use of public services by high utilizers.”.
SEC. 5. ACADEMY TRAINING.

Section 2991(h) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(h)) is amended—

(1) in paragraph (1), by adding at the end the following:

“(F) ACADEMY TRAINING.—To provide support for academy curricula, law enforcement officer orientation programs, continuing education training, and other programs that teach law enforcement personnel how to identify and respond to incidents involving persons with mental health disorders or co-occurring mental health and substance abuse disorders.”; and

(2) by adding at the end the following:

“(4) PRIORITY CONSIDERATION.—The Attorney General, in awarding grants under this subsection, shall give priority to programs that law enforcement personnel and members of the mental health and substance abuse professions develop and administer cooperatively.”.

SEC. 6. EVIDENCE BASED PRACTICES.

Section 2991(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(c)) is amended—
(1) in paragraph (3), by striking “or” at the end;

(2) by redesignating paragraph (4) as paragraph (6); and

(3) by inserting after paragraph (3), the following:

“(4) propose interventions that have been shown by empirical evidence to reduce recidivism;

“(5) when appropriate, use validated assessment tools to target preliminarily qualified offenders with a moderate or high risk of recidivism and a need for treatment and services; or”.

SEC. 7. SAFE COMMUNITIES.

(a) In General.—Section 2991(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(a)) is amended—

(1) in paragraph (7)—

(A) in the heading, by striking “MENTAL ILLNESS” and inserting “MENTAL ILLNESS; MENTAL HEALTH DISORDER”; and

(B) by striking “term ‘mental illness’ means” and inserting “terms ‘mental illness’ and ‘mental health disorder’ mean”; and

(2) by striking paragraph (9) and inserting the following:
“(9) PRELIMINARILY QUALIFIED OFFENDER.—

“(A) IN GENERAL.—The term ‘preliminarily qualified offender’ means an adult or juvenile accused of an offense who—

“(i)(I) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness or co-occurring mental illness and substance abuse disorders;

“(II) manifests obvious signs of mental illness or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; or

“(III) in the case of a veterans treatment court provided under subsection (i), has been diagnosed with, or manifests obvious signs of, mental illness or a substance abuse disorder or co-occurring mental illness and substance abuse disorder; and

“(ii) has been unanimously approved for participation in a program funded under this section by, when appropriate, the relevant—

“(I) prosecuting attorney;
“(II) defense attorney;

“(III) probation or corrections official;

“(IV) judge; and

“(V) a representative from the relevant mental health agency described in subsection (b)(5)(B)(i).

“(B) DETERMINATION.—In determining whether to designate a defendant as a preliminarily qualified offender, the relevant prosecuting attorney, defense attorney, probation or corrections official, judge, and mental health or substance abuse agency representative shall take into account—

“(i) whether the participation of the defendant in the program would pose a substantial risk of violence to the community;

“(ii) the criminal history of the defendant and the nature and severity of the offense for which the defendant is charged;

“(iii) the views of any relevant victims to the offense;
“(iv) the extent to which the defendant would benefit from participation in the program;

“(v) the extent to which the community would realize cost savings because of the defendant’s participation in the program; and

“(vi) whether the defendant satisfies the eligibility criteria for program participation unanimously established by the relevant prosecuting attorney, defense attorney, probation or corrections official, judge and mental health or substance abuse agency representative.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—
Section 2927(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797s–6(2)) is amended by striking “has the meaning given that term in section 2991(a).” and inserting “means an offense that—

“(A) does not have as an element the use, attempted use, or threatened use of physical force against the person or property of another;

or

“(B) is not a felony that by its nature involves a substantial risk that physical force
against the person or property of another may
be used in the course of committing the of-
fense.”.

SEC. 8. REAUTHORIZATION OF APPROPRIATIONS.

Subsection (l) of section 2991 of the Omnibus Crime
Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa),
as redesignated in section 2(a), is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking
“and” at the end;

(B) in subparagraph (C), by striking the
period and inserting “; and”; and

(C) by adding at the end the following:
“(D) $40,000,000 for each of fiscal years
2015 through 2019.”; and

(2) by adding at the end the following:
“(3) LIMITATION.—Not more than 20 percent
of the funds authorized to be appropriated under
this section may be used for purposes described in
subsection (i) (relating to veterans).”.

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