

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2003

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

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## 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 ccurring 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.”.

○