

114TH CONGRESS
1ST SESSION

H. R. 731

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2015

Mr. NUGENT (for himself, Mr. SCOTT of Virginia, Mrs. NAPOLITANO, Mr. RYAN of Ohio, Ms. SLAUGHTER, Mr. POCAN, Mrs. BROOKS of Indiana, Mr. LOWENTHAL, Mr. HASTINGS, Mr. JOYCE, Mr. REICHERT, Mr. SENBRENNER, Mr. LANCE, and Mr. JOLLY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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

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 “Justice and Mental
5 Health Collaboration Act of 2015”.

6 **SEC. 2. ASSISTING VETERANS.**

7 (a) REDESIGNATION.—Section 2991 of the Omnibus
8 Crime Control and Safe Streets Act of 1968 (42 U.S.C.

1 3797aa) is amended by redesignating subsection (i) as
 2 subsection (l).

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

7 “(i) ASSISTING VETERANS.—

8 “(1) DEFINITIONS.—In this subsection:

9 “(A) PEER TO PEER SERVICES OR PRO-
 10 GRAMS.—The term ‘peer to peer services or
 11 programs’ means services or programs that con-
 12 nect qualified veterans with other veterans for
 13 the purpose of providing support and
 14 mentorship to assist qualified veterans in ob-
 15 taining treatment, recovery, stabilization, or re-
 16 habilitation.

17 “(B) QUALIFIED VETERAN.—The term
 18 ‘qualified veteran’ means a preliminarily quali-
 19 fied offender who—

20 “(i) has served on active duty in any
 21 branch of the Armed Forces, including the
 22 National Guard and reserve components;
 23 and

1 “(ii) was discharged or released from
2 such service under conditions other than
3 dishonorable.

4 “(C) VETERANS TREATMENT COURT PRO-
5 GRAM.—The term ‘veterans treatment court
6 program’ means a court program involving col-
7 laboration among criminal justice, veterans, and
8 mental health and substance abuse agencies
9 that provides qualified veterans with—

10 “(i) intensive judicial supervision and
11 case management, which may include ran-
12 dom and frequent drug testing where ap-
13 propriate;

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

18 “(iii) alternatives to incarceration;
19 and

20 “(iv) other appropriate services, in-
21 cluding housing, transportation, mentoring,
22 employment, job training, education, and
23 assistance in applying for and obtaining
24 available benefits.

25 “(2) VETERANS ASSISTANCE PROGRAM.—

1 “(A) IN GENERAL.—The Attorney General,
2 in consultation with the Secretary of Veterans
3 Affairs, may award grants under this sub-
4 section to applicants to establish or expand—

5 “(i) veterans treatment court pro-
6 grams;

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

9 “(iii) practices that identify and pro-
10 vide treatment, rehabilitation, legal, transi-
11 tional, and other appropriate services to
12 qualified veterans who have been incarcerated;
13 and

14 “(iv) training programs to teach
15 criminal justice, law enforcement, correc-
16 tions, mental health, and substance abuse
17 personnel how to identify and appro-
18 priately respond to incidents involving
19 qualified veterans.

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

23 “(i) demonstrate collaboration be-
24 tween and joint investments by criminal

1 justice, mental health, substance abuse,
2 and veterans service agencies;

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

6 “(iii) propose interventions with em-
7 pirical support to improve outcomes for
8 qualified veterans.”.

9 **SEC. 3. CORRECTIONAL FACILITIES.**

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

14 “(j) CORRECTIONAL FACILITIES.—

15 “(1) DEFINITIONS.—

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

21 “(B) ELIGIBLE INMATE.—The term ‘eligi-
22 ble inmate’ means an individual who—

23 “(i) is being held, detained, or incar-
24 cerated in a correctional facility; and

1 “(ii) manifests obvious signs of a
2 mental illness or has been diagnosed by a
3 qualified mental health professional as hav-
4 ing a mental illness.

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

8 “(A) to identify and screen for eligible in-
9 mates;

10 “(B) to plan and provide—

11 “(i) initial and periodic assessments of
12 the clinical, medical, and social needs of in-
13 mates; and

14 “(ii) appropriate treatment and serv-
15 ices that address the mental health and
16 substance abuse needs of inmates;

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

18 “(i) post-release transition plans for
19 eligible inmates that, in a comprehensive
20 manner, coordinate health, housing, med-
21 ical, employment, and other appropriate
22 services and public benefits;

23 “(ii) the availability of mental health
24 care services and substance abuse treat-
25 ment services; and

1 “(iii) alternatives to solitary confine-
 2 ment and segregated housing and mental
 3 health screening and treatment for inmates
 4 placed in solitary confinement or seg-
 5 regated housing; and

6 “(D) to train each employee of the correc-
 7 tional facility to identify and appropriately re-
 8 spond to incidents involving inmates with men-
 9 tal health or co-occurring mental health and
 10 substance abuse disorders.”.

11 **SEC. 4. ACADEMY TRAINING.**

12 Section 2991(h) of the Omnibus Crime Control and
 13 Safe Streets Act of 1968 (42 U.S.C. 3797aa(h)) is amend-
 14 ed—

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

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

25 (2) by adding at the end the following:

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

7 **SEC. 5. EVIDENCE BASED PRACTICES.**

8 Section 2991(c) of the Omnibus Crime Control and
 9 Safe Streets Act of 1968 (42 U.S.C. 3797aa(c)) is amend-
 10 ed—

11 (1) in paragraph (3), by striking “or” at the
 12 end;

13 (2) by redesignating paragraph (4) as para-
 14 graph (6); and

15 (3) by inserting after paragraph (3), the fol-
 16 lowing:

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

19 “(5) when appropriate, use validated assess-
 20 ment tools to target preliminarily qualified offenders
 21 with a moderate or high risk of recidivism and a
 22 need for treatment and services; or”.

1 **SEC. 6. SAFE COMMUNITIES.**

2 (a) IN GENERAL.—Section 2991(a) of the Omnibus
3 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
4 3797aa(a)) is amended—

5 (1) in paragraph (7)—

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

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

12 (2) by striking paragraph (9) and inserting the
13 following:

14 “(9) PRELIMINARILY QUALIFIED OFFENDER.—

15 “(A) IN GENERAL.—The term ‘prelimi-
16 narily qualified offender’ means an adult or ju-
17 venile accused of an offense who—

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

23 “(II) manifests obvious signs of men-
24 tal illness or co-occurring mental illness
25 and substance abuse disorders during ar-
26 rest or confinement or before any court; or

1 “(III) in the case of a veterans treat-
2 ment court provided under subsection (i),
3 has been diagnosed with, or manifests ob-
4 vious signs of, mental illness or a sub-
5 stance abuse disorder or co-occurring men-
6 tal illness and substance abuse disorder;
7 and

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

12 “(I) prosecuting attorney;

13 “(II) defense attorney;

14 “(III) probation or corrections
15 official;

16 “(IV) judge; and

17 “(V) a representative from the
18 relevant mental health agency de-
19 scribed in subsection (b)(5)(B)(i).

20 “(B) DETERMINATION.—In determining
21 whether to designate a defendant as a prelimi-
22 narily qualified offender, the relevant pros-
23 ecuting attorney, defense attorney, probation or
24 corrections official, judge, and mental health or

1 substance abuse agency representative shall
2 take into account—

3 “(i) whether the participation of the
4 defendant in the program would pose a
5 substantial risk of violence to the commu-
6 nity;

7 “(ii) the criminal history of the de-
8 fendant and the nature and severity of the
9 offense for which the defendant is charged;

10 “(iii) the views of any relevant victims
11 to the offense;

12 “(iv) the extent to which the defend-
13 ant would benefit from participation in the
14 program;

15 “(v) the extent to which the commu-
16 nity would realize cost savings because of
17 the defendant’s participation in the pro-
18 gram; and

19 “(vi) whether the defendant satisfies
20 the eligibility criteria for program partici-
21 pation unanimously established by the rel-
22 evant prosecuting attorney, defense attor-
23 ney, probation or corrections official, judge
24 and mental health or substance abuse
25 agency representative.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 2 Section 2927(2) of the Omnibus Crime Control and Safe
 3 Streets Act of 1968 (42 U.S.C. 3797s–6(2)) is amended
 4 by striking “has the meaning given that term in section
 5 2991(a).” and inserting “means an offense that—

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

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

15 **SEC. 7. REAUTHORIZATION OF APPROPRIATIONS.**

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

19 (1) in paragraph (1)—

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

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

24 (C) by adding at the end the following:

1 “(D) \$40,000,000 for each of fiscal years
2 2016 through 2020.”; and
3 (2) by adding at the end the following:
4 “(3) LIMITATION.—Not more than 20 percent
5 of the funds authorized to be appropriated under
6 this section may be used for purposes described in
7 subsection (i) (relating to veterans).”.

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