

Public Law 106–515
106th Congress

An Act

To provide grants to establish demonstration mental health courts.

Nov. 13, 2000

[S. 1865]

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 “America’s Law Enforcement and Mental Health Project”.

America’s Law
Enforcement and
Mental Health
Project.
Inter-
governmental
relations.
42 USC 3711
note.
42 USC 3796ii
note.

SEC. 2. FINDINGS.

Congress finds that—

(1) fully 16 percent of all inmates in State prisons and local jails suffer from mental illness, according to a July, 1999 report, conducted by the Bureau of Justice Statistics;

(2) between 600,000 and 700,000 mentally ill persons are annually booked in jail alone, according to the American Jail Association;

(3) estimates say 25 to 40 percent of America’s mentally ill will come into contact with the criminal justice system, according to National Alliance for the Mentally Ill;

(4) 75 percent of mentally ill inmates have been sentenced to time in prison or jail or probation at least once prior to their current sentence, according to the Bureau of Justice Statistics in July, 1999; and

(5) Broward County, Florida and King County, Washington, have created separate Mental Health Courts to place nonviolent mentally ill offenders into judicially monitored inpatient and outpatient mental health treatment programs, where appropriate, with positive results.

SEC. 3. MENTAL HEALTH COURTS.

(a) AMENDMENT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part U (42 U.S.C. 3796hh et seq.) the following:

“PART V—MENTAL HEALTH COURTS

“SEC. 2201. GRANT AUTHORITY.

42 USC 3796ii.

“The Attorney General shall make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or nonprofit entities, for not more than 100 programs that involve—

“(1) continuing judicial supervision, including periodic review, over preliminarily qualified offenders with mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders, who are charged with misdemeanors or nonviolent offenses; and

“(2) the coordinated delivery of services, which includes—

“(A) specialized training of law enforcement and judicial personnel to identify and address the unique needs of a mentally ill or mentally retarded offender;

“(B) voluntary outpatient or inpatient mental health treatment, in the least restrictive manner appropriate, as determined by the court, that carries with it the possibility of dismissal of charges or reduced sentencing upon successful completion of treatment;

“(C) centralized case management involving the consolidation of all of a mentally ill or mentally retarded defendant’s cases, including violations of probation, and the coordination of all mental health treatment plans and social services, including life skills training, such as housing placement, vocational training, education, job placement, health care, and relapse prevention for each participant who requires such services; and

“(D) continuing supervision of treatment plan compliance for a term not to exceed the maximum allowable sentence or probation for the charged or relevant offense and, to the extent practicable, continuity of psychiatric care at the end of the supervised period.

42 USC 3796ii-1. **“SEC. 2202. DEFINITIONS.**

“In this part—

“(1) the term ‘mental illness’ means a diagnosable mental, behavioral, or emotional disorder—

“(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

“(B) that has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities; and

“(2) the term ‘preliminarily qualified offender with mental illness, mental retardation, or co-occurring mental and substance abuse disorders’ means a person who—

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

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

“(B) is deemed eligible by designated judges.

42 USC 3796ii-2. **“SEC. 2203. ADMINISTRATION.**

“(a) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this part.

“(b) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

“(c) REGULATORY AUTHORITY.—The Attorney General shall issue regulations and guidelines necessary to carry out this part which include, but are not limited to, the methodologies and outcome measures proposed for evaluating each applicant program.

“(d) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall—

“(1) include a long-term strategy and detailed implementation plan;

“(2) explain the applicant’s inability to fund the program adequately without Federal assistance;

“(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;

“(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

“(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program, including the State mental health authority;

“(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the mental health court program;

“(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support;

“(8) describe the methodology and outcome measures that will be used in evaluating the program; and

“(9) certify that participating first time offenders without a history of a mental illness will receive a mental health evaluation.

“SEC. 2204. APPLICATIONS.

42 USC 3796ii-3.

“To request funds under this part, the chief executive or the chief justice of a State or the chief executive or chief judge of a unit of local government or Indian tribal government shall submit to the Attorney General an application in such form and containing such information as the Attorney General may reasonably require.

“SEC. 2205. FEDERAL SHARE.

42 USC 3796ii-4.

“The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2204 for the fiscal year for which the program receives assistance under this part, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. The use of the Federal share of a grant made under this part shall be limited to new expenses necessitated by the proposed program, including the development of treatment services and the hiring and training of personnel. In-kind contributions may constitute a portion of the non-Federal share of a grant.

“SEC. 2206. GEOGRAPHIC DISTRIBUTION.

42 USC 3796ii-5.

“The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is

made that considers the special needs of rural communities, Indian tribes, and Alaska Natives.

42 USC 3796ii–6. **“SEC. 2207. REPORT.**

“A State, Indian tribal government, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this part.

42 USC 3796ii–7. **“SEC. 2208. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.**

“(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.

“(b) EVALUATIONS.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.

“(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.”.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by inserting after part U the following:

“PART V—MENTAL HEALTH COURTS

“Sec. 2201. Grant authority.

“Sec. 2202. Definitions.

“Sec. 2203. Administration.

“Sec. 2204. Applications.

“Sec. 2205. Federal share.

“Sec. 2206. Geographic distribution.

“Sec. 2207. Report.

“Sec. 2208. Technical assistance, training, and evaluation.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by inserting after paragraph (19) the following:

“(20) There are authorized to be appropriated to carry out part V, \$10,000,000 for each of fiscal years 2001 through 2004.”.

Approved November 13, 2000.

LEGISLATIVE HISTORY—S. 1865:

CONGRESSIONAL RECORD, Vol. 146 (2000):

Sept. 26, considered and passed Senate.

Oct. 24, considered and passed House.

