

106TH CONGRESS
1ST SESSION

H. R. 2594

To provide grants to establish 25 demonstration mental health diversion courts.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1999

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

A BILL

To provide grants to establish 25 demonstration mental health diversion courts.

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 “America’s Law En-
5 forcement and Mental Health Project”.

6 **SEC. 2. MENTAL HEALTH DIVERSION COURTS.**

7 (a) AMENDMENT.—Part V of title I of the Omnibus
8 Crime Control and Safe Streets Act of 1968 is amended
9 to read as follows:

1 **“PART V—MENTAL HEALTH**
2 **DIVERSION COURTS**

3 **“SEC. 2201. GRANT AUTHORITY.**

4 “The Attorney General may make grants to States,
5 State courts, local courts, units of local government, and
6 Indian tribal governments, acting directly or through
7 agreements with other public or nonprofit entities, for 25
8 programs that involve—

9 “(1) continuing judicial supervision, including
10 periodic review at least every 45 days, over prelimi-
11 narily qualified offenders with mental illness, mental
12 retardation, or co-occurring mental illness and sub-
13 stance abuse disorders who are charged with non-
14 violent misdemeanors, for a period not to exceed 1
15 year; and

16 “(2) the integrated administration of services,
17 which includes—

18 “(A) specialized training of law enforce-
19 ment and judicial personnel to identify and ad-
20 dress the unique needs of a mentally ill or men-
21 tally retarded offender;

22 “(B) voluntary diversion into outpatient or
23 inpatient mental health treatment that carries
24 with it the possibility of prosecution of the
25 original criminal charge if the mentally ill or

1 mentally retarded defendant is noncompliant
2 with program requirements;

3 “(C) centralized case management involv-
4 ing the consolidation of all of a mentally ill or
5 mentally retarded defendant’s misdemeanor
6 cases, including violations of misdemeanor pro-
7 bation, and the coordination of all treatment
8 plans of mental health and social service pro-
9 viders; and

10 “(D) life skills training, such as housing
11 placement, vocational training, education, job
12 placement, health care, and relapse prevention
13 for each participant who requires such services.

14 **“SEC. 2202. DEFINITION.**

15 “In this part the term ‘preliminarily qualified of-
16 fender with mental illness, mental retardation, or co-oc-
17 curring mental and substance abuse disorders’ means a
18 person who—

19 “(1)(A) previously or currently has been diag-
20 nosed by a qualified mental health professional as
21 having a mental illness, mental retardation, or co-oc-
22 curring mental illness and substance abuse dis-
23 orders; or

24 “(B) manifests obvious signs of mental illness,
25 mental retardation, or co-occurring mental illness

1 and substance abuse disorders during arrest or con-
2 finement or before any court; and

3 “(2) is deemed eligible for diversion by des-
4 ignated judges.

5 **“SEC. 2203. ADMINISTRATION.**

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

10 “(b) USE OF COMPONENTS.—The Attorney General
11 may utilize any component or components of the Depart-
12 ment of Justice in carrying out this part.

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

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

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

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

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

5 “(4) identify related governmental or commu-
6 nity initiatives which complement or will be coordi-
7 nated with the proposal;

8 “(5) certify that there has been appropriate
9 consultation with all affected agencies and that there
10 will be appropriate coordination with all affected
11 agencies in the implementation of the program;

12 “(6) certify that participating offenders will be
13 supervised by one or more designated judges with re-
14 sponsibility for the mental health diversion court
15 program;

16 “(7) specify plans for obtaining necessary sup-
17 port and continuing the proposed program following
18 the conclusion of Federal support; and

19 “(8) describe the methodology and outcome
20 measures that will be used in evaluating the pro-
21 gram.

22 **“SEC. 2204. APPLICATIONS.**

23 “To request funds under this part, the chief executive
24 or the chief justice of a State or the chief executive or
25 chief judge of a unit of local government or Indian tribal

1 government shall submit an application to the Attorney
2 General in such form and containing such information as
3 the Attorney General may reasonably require.

4 **“SEC. 2205. FEDERAL SHARE.**

5 “The Federal share of a grant made under this part
6 may not exceed 75 percent of the total costs of the pro-
7 gram described in the application submitted under section
8 2205 for the fiscal year for which the program receives
9 assistance under this part, unless the Attorney General
10 waives, wholly or in part, the requirement of a matching
11 contribution under this section. The use of the Federal
12 share of a grant made under this part shall be limited
13 to new expenses necessitated by the proposed diversion
14 program, including the development of treatment services
15 and the hiring and training of personnel. In-kind contribu-
16 tions may constitute a portion of the non-Federal share
17 of a grant.

18 **“SEC. 2206. GEOGRAPHIC DISTRIBUTION.**

19 “The Attorney General shall ensure that, to the ex-
20 tent practicable, an equitable geographic distribution of
21 grant awards is made that considers the special needs of
22 rural communities, Indian tribes, and Alaska Natives.

23 **“SEC. 2207. REPORT.**

24 “A State, Indian tribal government, or unit of local
25 government that receives funds under this part during a

1 fiscal year shall submit to the Attorney General a report
 2 in March of the following year regarding the effectiveness
 3 of this part.

4 **“SEC. 2208. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**
 5 **UATION.**

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

9 “(b) EVALUATIONS.—In addition to any evaluation
 10 requirements that may be prescribed for grantees, the At-
 11 torney General may carry out or make arrangements for
 12 evaluations of programs that receive support under this
 13 part.

14 “(c) ADMINISTRATION.—The technical assistance,
 15 training, and evaluations authorized by this section may
 16 be carried out directly by the Attorney General, in collabo-
 17 ration with the Secretary of Health and Human Services,
 18 or through grants, contracts, or other cooperative arrange-
 19 ments with other entities.”.

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

“PART V—MENTAL HEALTH DIVERSION COURTS

“Sec. 2201. Grant authority.

“Sec. 2202. Definition.

“Sec. 2203. Administration.

“Sec. 2204. Applications.

“Sec. 2205. Federal share.

“Sec. 2206. Geographic distribution.

“Sec. 2207. Report.

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

1 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
2 1001(a) of title I of the Omnibus Crime Control and Safe
3 Streets Act of 1968 (42 U.S.C. 3793(a)), is amended by
4 inserting after paragraph (19) the following:

5 “(20) There are authorized to be appropriated to
6 carry out part V, \$2,000,000 for each of fiscal years 2000
7 through 2004.”.

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