

106TH CONGRESS  
2D SESSION

# S. 1865

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## AN ACT

To provide grants to establish demonstration mental health  
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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) fully 16 percent of all inmates in State pris-  
4 ons and local jails suffer from mental illness, accord-  
5 ing to a July, 1999 report, conducted by the Bureau  
6 of Justice Statistics;

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

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

14 (4) 75 percent of mentally ill inmates have been  
15 sentenced to time in prison or jail or probation at  
16 least once prior to their current sentence, according  
17 to the Bureau of Justice Statistics in July, 1999;  
18 and

19 (5) Broward County, Florida and King County,  
20 Washington, have created separate Mental Health  
21 Courts to place nonviolent mentally ill offenders into  
22 judicially monitored in-patient and out-patient men-  
23 tal health treatment programs, where appropriate,  
24 with positive results.

1 **SEC. 3. MENTAL HEALTH COURTS.**

2 (a) AMENDMENT.—Title I of the Omnibus Crime  
3 Control and Safe Streets Act of 1968 is amended by in-  
4 serting after part U (42 U.S.C. 3796hh et seq.) the fol-  
5 lowing:

6 **“PART V—MENTAL HEALTH**  
7 **COURTS**

8 **“SEC. 2201. GRANT AUTHORITY.**

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

14 “(1) continuing judicial supervision, including  
15 periodic review, over preliminarily qualified offenders  
16 with mental illness, mental retardation, or co-occur-  
17 ring mental illness and substance abuse disorders,  
18 who are charged with misdemeanors or nonviolent  
19 offenses; and

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

22 “(A) specialized training of law enforce-  
23 ment and judicial personnel to identify and ad-  
24 dress the unique needs of a mentally ill or men-  
25 tally retarded offender;

1           “(B) voluntary outpatient or inpatient  
2           mental health treatment, in the least restrictive  
3           manner appropriate, as determined by the  
4           court, that carries with it the possibility of dis-  
5           missal of charges or reduced sentencing upon  
6           successful completion of treatment;

7           “(C) centralized case management involv-  
8           ing the consolidation of all of a mentally ill or  
9           mentally retarded defendant’s cases, including  
10          violations of probation, and the coordination of  
11          all mental health treatment plans and social  
12          services, including life skills training, such as  
13          housing placement, vocational training, edu-  
14          cation, job placement, health care, and relapse  
15          prevention for each participant who requires  
16          such services; and

17          “(D) continuing supervision of treatment  
18          plan compliance for a term not to exceed the  
19          maximum allowable sentence or probation for  
20          the charged or relevant offense and, to the ex-  
21          tent practicable, continuity of psychiatric care  
22          at the end of the supervised period.

23   **“SEC. 2202. DEFINITIONS.**

24          “In this part—

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

4           “(A) of sufficient duration to meet diag-  
5       nostic criteria within the most recent edition of  
6       the Diagnostic and Statistical Manual of Men-  
7       tal Disorders published by the American Psy-  
8       chiatric Association; and

9           “(B) that has resulted in functional im-  
10      pairment that substantially interferes with or  
11      limits 1 or more major life activities; and

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

16          “(A)(i) previously or currently has been di-  
17      agnosed by a qualified mental health profes-  
18      sional as having a mental illness, mental retar-  
19      dation, or co-occurring mental illness and sub-  
20      stance abuse disorders; or

21          “(ii) manifests obvious signs of mental ill-  
22      ness, mental retardation, or co-occurring mental  
23      illness and substance abuse disorders during ar-  
24      rest or confinement or before any court; and

1                   “(B) is deemed eligible by designated  
2                   judges.

3   **“SEC. 2203. ADMINISTRATION.**

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

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

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

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

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

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

23               “(3) certify that the Federal support provided  
24               will be used to supplement, and not supplant, State,

1 Indian tribal, and local sources of funding that  
2 would otherwise be available;

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

6 “(5) certify that there has been appropriate  
7 consultation with all affected agencies and that there  
8 will be appropriate coordination with all affected  
9 agencies in the implementation of the program, in-  
10 cluding the State mental health authority;

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

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

17 “(8) describe the methodology and outcome  
18 measures that will be used in evaluating the pro-  
19 gram; and

20 “(9) certify that participating first time offend-  
21 ers without a history of a mental illness will receive  
22 a mental health evaluation.

23 **“SEC. 2204. APPLICATIONS.**

24 “To request funds under this part, the chief executive  
25 or the chief justice of a State or the chief executive or

1 chief judge of a unit of local government or Indian tribal  
2 government shall submit to the Attorney General an appli-  
3 cation in such form and containing such information as  
4 the Attorney General may reasonably require.

5 **“SEC. 2205. FEDERAL SHARE.**

6 “The Federal share of a grant made under this part  
7 may not exceed 75 percent of the total costs of the pro-  
8 gram described in the application submitted under section  
9 2204 for the fiscal year for which the program receives  
10 assistance under this part, unless the Attorney General  
11 waives, wholly or in part, the requirement of a matching  
12 contribution under this section. The use of the Federal  
13 share of a grant made under this part shall be limited  
14 to new expenses necessitated by the proposed program, in-  
15 cluding the development of treatment services and the hir-  
16 ing and training of personnel. In-kind contributions may  
17 constitute a portion of the non-Federal share 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 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.”.

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, \$10,000,000 for each of fiscal years  
 7 2001 through 2004.”.

Passed the Senate September 26 (legislative day,  
 September 22), 2000.

Attest:

*Secretary.*

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