

Calendar No. 734

106TH CONGRESS
2D SESSION

S. 1865

To provide grants to establish demonstration mental health courts.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 4, 1999

Mr. DEWINE (for himself and Mr. DOMENICI) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

JULY 27, 2000

Reported by Mr. HATCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

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”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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

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

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

12 (4) 75 percent of mentally ill inmates have been
13 sentenced to time in prison or jail or probation at
14 least once prior to their current sentence, according
15 to the Bureau of Justice Statistics in July, 1999;
16 and

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

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

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

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

7 **“SEC. 2201. GRANT AUTHORITY.**

8 “The Attorney General shall make grants to States,
9 State courts, local courts, units of local government, and
10 Indian tribal governments, acting directly or through
11 agreements with other public or nonprofit entities, for up
12 to 125 programs that involve—

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

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

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

24 “(B) voluntary outpatient or inpatient
25 mental health treatment that carries with it the
26 possibility of dismissal of charges or reduced

1 sentencing upon successful completion of treat-
2 ment; and

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

13 **“SEC. 2202. DEFINITION.**

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

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

23 “(B) manifests obvious signs of mental illness,
24 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 by designated judges.

4 **“SEC. 2203. ADMINISTRATION.**

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

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

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

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

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

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

24 “(3) certify that the Federal support provided
25 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;

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

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

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

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

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 program, in-~~
14 ~~cluding the development of treatment services and the hir-~~
15 ~~ing and training of personnel. In-kind contributions may~~
16 ~~constitute a portion of the non-Federal share of a grant.~~

17 **~~“SEC. 2206. GEOGRAPHIC DISTRIBUTION.~~**

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

22 **~~“SEC. 2207. REPORT.~~**

23 ~~“A State, Indian tribal government, or unit of local~~
24 ~~government that receives funds under this part during a~~
25 ~~fiscal year shall submit to the Attorney General a report~~

1 in March of the following year regarding the effectiveness
2 of this part.

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

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

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

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

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

“PART V—MENTAL HEALTH 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, \$10,000,000 for each of fiscal years
 7 2000 through 2004.”.

8 **SECTION 1. SHORT TITLE.**

9 *This Act may be cited as the “America’s Law Enforce-*
 10 *ment and Mental Health Project”.*

11 **SEC. 2. FINDINGS.**

12 *Congress finds that—*

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

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

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

1 (4) 75 percent of mentally ill inmates have been
 2 sentenced to time in prison or jail or probation at
 3 least once prior to their current sentence, according to
 4 the Bureau of Justice Statistics in July, 1999; and

5 (5) Broward County, Florida and King County,
 6 Washington, have created separate Mental Health
 7 Courts to place nonviolent mentally ill offenders into
 8 judicially monitored in-patient and out-patient men-
 9 tal health treatment programs, where appropriate,
 10 with positive results.

11 **SEC. 3. MENTAL HEALTH COURTS.**

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

15 **“PART V—MENTAL HEALTH**
 16 **COURTS**

17 **“SEC. 2201. GRANT AUTHORITY.**

18 *“The Attorney General shall make grants to States,*
 19 *State courts, local courts, units of local government, and*
 20 *Indian tribal governments, acting directly or through agree-*
 21 *ments with other public or nonprofit entities, for not more*
 22 *than 100 programs that involve—*

23 *“(1) continuing judicial supervision, including*
 24 *periodic review, over preliminarily qualified offenders*
 25 *with mental illness, mental retardation, or co-occur-*

1 *ring mental illness and substance abuse disorders,*
2 *who are charged with misdemeanors or nonviolent of-*
3 *fenses; and*

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

6 *“(A) specialized training of law enforcement*
7 *and judicial personnel to identify and address*
8 *the unique needs of a mentally ill or mentally re-*
9 *tarded offender;*

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

16 *“(C) centralized case management involving*
17 *the consolidation of all of a mentally ill or men-*
18 *tally retarded defendant’s cases, including viola-*
19 *tions of probation, and the coordination of all*
20 *mental health treatment plans and social serv-*
21 *ices, including life skills training, such as hous-*
22 *ing placement, vocational training, education,*
23 *job placement, health care, and relapse preven-*
24 *tion for each participant who requires such serv-*
25 *ices; and*

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

7 **“SEC. 2202. DEFINITIONS.**

8 *“In this part—*

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

12 “(A) of sufficient duration to meet diag-
 13 nostic criteria within the most recent edition of
 14 the *Diagnostic and Statistical Manual of Mental*
 15 *Disorders* published by the American Psychiatric
 16 Association; and

17 “(B) that has resulted in functional impair-
 18 ment that substantially interferes with or limits
 19 1 or more major life activities; and

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

24 “(A)(i) previously or currently has been di-
 25 agnosed by a qualified mental health professional

1 *as having a mental illness, mental retardation,*
 2 *or co-occurring mental illness and substance*
 3 *abuse disorders; or*

4 *“(ii) manifests obvious signs of mental ill-*
 5 *ness, mental retardation, or co-occurring mental*
 6 *illness and substance abuse disorders during ar-*
 7 *rest or confinement or before any court; and*

8 *“(B) is deemed eligible by designated judges.*

9 **“SEC. 2203. ADMINISTRATION.**

10 *“(a) CONSULTATION.—The Attorney General shall con-*
 11 *sult with the Secretary of Health and Human Services and*
 12 *any other appropriate officials in carrying out this part.*

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

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

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

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

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

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

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

10 “(5) certify that there has been appropriate con-
11 sultation with all affected agencies and that there will
12 be appropriate coordination with all affected agencies
13 in the implementation of the program, including the
14 State mental health authority;

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

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

21 “(8) describe the methodology and outcome meas-
22 ures that will be used in evaluating the program; and

23 “(9) certify that participating first time offend-
24 ers without a history of a mental illness will receive
25 a mental health evaluation.

1 **“SEC. 2204. APPLICATIONS.**

2 *“To request funds under this part, the chief executive*
3 *or the chief justice of a State or the chief executive or chief*
4 *judge of a unit of local government or Indian tribal govern-*
5 *ment shall submit to the Attorney General an application*
6 *in such form and containing such information as the Attor-*
7 *ney General may reasonably require.*

8 **“SEC. 2205. FEDERAL SHARE.**

9 *“The Federal share of a grant made under this part*
10 *may not exceed 75 percent of the total costs of the program*
11 *described in the application submitted under section 2204*
12 *for the fiscal year for which the program receives assistance*
13 *under this part, unless the Attorney General waives, wholly*
14 *or in part, the requirement of a matching contribution*
15 *under this section. The use of the Federal share of a grant*
16 *made under this part shall be limited to new expenses neces-*
17 *sitated by the proposed program, including the development*
18 *of treatment services and the hiring and training of per-*
19 *sonnel. In-kind contributions may constitute a portion of*
20 *the non-Federal share of a grant.*

21 **“SEC. 2206. GEOGRAPHIC DISTRIBUTION.**

22 *“The Attorney General shall ensure that, to the extent*
23 *practicable, an equitable geographic distribution of grant*
24 *awards is made that considers the special needs of rural*
25 *communities, Indian tribes, and Alaska Natives.*

1 **“SEC. 2207. REPORT.**

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

7 **“SEC. 2208. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**
 8 **UATION.**

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

12 *“(b) EVALUATIONS.—In addition to any evaluation re-*
 13 *quirements that may be prescribed for grantees, the Attor-*
 14 *ney General may carry out or make arrangements for eval-*
 15 *uations of programs that receive support under this part.*

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

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

“PART V—MENTAL HEALTH COURTS

“Sec. 2201. *Grant authority.*

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“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 in-*
 4 *serting after paragraph (19) the following:*
 5 “(20) *There are authorized to be appropriated to carry*
 6 *out part V, \$10,000,000 for each of fiscal years 2001*
 7 *through 2004.*”.

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