

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1194**

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**AMENDMENT**



# ***In the House of Representatives, U. S.,***

*October 6, 2004.*

*Resolved*, That the bill from the Senate (S. 1194) entitled “An Act to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems”, do pass with the following

## **AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Mentally Ill Offender*  
3 *Treatment and Crime Reduction Act of 2004”.*

4 ***SEC. 2. FINDINGS.***

5 *Congress finds the following:*

6 *(1) According to the Bureau of Justice Statistics,*  
7 *over 16 percent of adults incarcerated in United*  
8 *States jails and prisons have a mental illness.*

9 *(2) According to the Office of Juvenile Justice*  
10 *and Delinquency Prevention, approximately 20 per-*  
11 *cent of youth in the juvenile justice system have seri-*  
12 *ous mental health problems, and a significant number*

1       *have co-occurring mental health and substance abuse*  
2       *disorders.*

3               (3) *According to the National Alliance for the*  
4       *Mentally Ill, up to 40 percent of adults who suffer*  
5       *from a serious mental illness will come into contact*  
6       *with the American criminal justice system at some*  
7       *point in their lives.*

8               (4) *According to the Office of Juvenile Justice*  
9       *and Delinquency Prevention, over 150,000 juveniles*  
10       *who come into contact with the juvenile justice system*  
11       *each year meet the diagnostic criteria for at least 1*  
12       *mental or emotional disorder.*

13              (5) *A significant proportion of adults with a se-*  
14       *rious mental illness who are involved with the crimi-*  
15       *nal justice system are homeless or at imminent risk*  
16       *of homelessness, and many of these individuals are*  
17       *arrested and jailed for minor, nonviolent offenses.*

18              (6) *The majority of individuals with a mental*  
19       *illness or emotional disorder who are involved in the*  
20       *criminal or juvenile justice systems are responsive to*  
21       *medical and psychological interventions that integrate*  
22       *treatment, rehabilitation, and support services.*

23              (7) *Collaborative programs between mental*  
24       *health, substance abuse, and criminal or juvenile jus-*  
25       *tice systems that ensure the provision of services for*

1        *those with mental illness or co-occurring mental ill-*  
2        *ness and substance abuse disorders can reduce the*  
3        *number of such individuals in adult and juvenile cor-*  
4        *rections facilities, while providing improved public*  
5        *safety.*

6        **SEC. 3. PURPOSE.**

7        *The purpose of this Act is to increase public safety by*  
8        *facilitating collaboration among the criminal justice, juve-*  
9        *nile justice, mental health treatment, and substance abuse*  
10       *systems. Such collaboration is needed to—*

11            (1) *protect public safety by intervening with*  
12            *adult and juvenile offenders with mental illness or co-*  
13            *occurring mental illness and substance abuse dis-*  
14            *orders;*

15            (2) *provide courts, including existing and new*  
16            *mental health courts, with appropriate mental health*  
17            *and substance abuse treatment options;*

18            (3) *maximize the use of alternatives to prosecu-*  
19            *tion through graduated sanctions in appropriate cases*  
20            *involving nonviolent offenders with mental illness;*

21            (4) *promote adequate training for criminal jus-*  
22            *tice system personnel about mental illness and sub-*  
23            *stance abuse disorders and the appropriate responses*  
24            *to people with such illnesses;*

1           (5) *promote adequate training for mental health*  
2 *and substance abuse treatment personnel about crimi-*  
3 *nal offenders with mental illness or co-occurring sub-*  
4 *stance abuse disorders and the appropriate response*  
5 *to such offenders in the criminal justice system;*

6           (6) *promote communication among adult or ju-*  
7 *venile justice personnel, mental health and co-occur-*  
8 *ring mental illness and substance abuse disorders*  
9 *treatment personnel, nonviolent offenders with mental*  
10 *illness or co-occurring mental illness and substance*  
11 *abuse disorders, and support services such as housing,*  
12 *job placement, community, faith-based, and crime vic-*  
13 *tims organizations; and*

14           (7) *promote communication, collaboration, and*  
15 *intergovernmental partnerships among municipal,*  
16 *county, and State elected officials with respect to*  
17 *mentally ill offenders.*

18 **SEC. 4. DEPARTMENT OF JUSTICE MENTAL HEALTH AND**  
19 **CRIMINAL JUSTICE COLLABORATION PRO-**  
20 **GRAM.**

21           (a) *IN GENERAL.*—*Title I of the Omnibus Crime Con-*  
22 *trol and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.)*  
23 *is amended by adding at the end the following:*

1                   **“PART HH—ADULT AND JUVENILE**  
2                   **COLLABORATION PROGRAM GRANTS**  
3           **“SEC. 2991. ADULT AND JUVENILE COLLABORATION PRO-**  
4                   **GRAMS.**

5           “(a) *DEFINITIONS.*—*In this section, the following defi-*  
6           *initions shall apply:*

7                   “(1) *APPLICANT.*—*The term ‘applicant’ means*  
8                   *States, units of local government, Indian tribes, and*  
9                   *tribal organizations that apply for a grant under this*  
10                  *section.*

11                  “(2) *COLLABORATION PROGRAM.*—*The term ‘col-*  
12                  *laboration program’ means a program to promote*  
13                  *public safety by ensuring access to adequate mental*  
14                  *health and other treatment services for mentally ill*  
15                  *adults or juveniles that is overseen cooperatively by—*

16                          “(A) *a criminal or juvenile justice agency*  
17                          *or a mental health court; and*

18                          “(B) *a mental health agency.*

19                  “(3) *CRIMINAL OR JUVENILE JUSTICE AGENCY.*—  
20                  *The term ‘criminal or juvenile justice agency’ means*  
21                  *an agency of a State or local government or its con-*  
22                  *tracted agency that is responsible for detection, arrest,*  
23                  *enforcement, prosecution, defense, adjudication, incar-*  
24                  *ceration, probation, or parole relating to the violation*  
25                  *of the criminal laws of that State or local govern-*  
26                  *ment.*

1           “(4) *DIVERSION AND ALTERNATIVE PROSECU-*  
2           *TION AND SENTENCING.—*

3           “(A) *IN GENERAL.—The terms ‘diversion’*  
4           *and ‘alternative prosecution and sentencing’*  
5           *mean the appropriate use of effective mental*  
6           *health treatment alternatives to juvenile justice*  
7           *or criminal justice system institutional place-*  
8           *ments for preliminarily qualified offenders.*

9           “(B) *APPROPRIATE USE.—In this para-*  
10           *graph, the term ‘appropriate use’ includes the*  
11           *discretion of the judge or supervising authority,*  
12           *the leveraging of graduated sanctions to encour-*  
13           *age compliance with treatment, and law enforce-*  
14           *ment diversion, including crisis intervention*  
15           *teams.*

16           “(C) *GRADUATED SANCTIONS.—In this*  
17           *paragraph, the term ‘graduated sanctions’ means*  
18           *an accountability-based graduated series of sanc-*  
19           *tions (including incentives, treatments, and serv-*  
20           *ices) applicable to mentally ill offenders within*  
21           *both the juvenile and adult justice system to hold*  
22           *individuals accountable for their actions and to*  
23           *protect communities by providing appropriate*  
24           *sanctions for inducing law-abiding behavior and*



1            *preventing subsequent involvement in the crimi-*  
 2            *nal justice system.*

3            “(5) *MENTAL HEALTH AGENCY.*—*The term ‘men-*  
 4            *tal health agency’ means an agency of a State or local*  
 5            *government or its contracted agency that is respon-*  
 6            *sible for mental health services or co-occurring mental*  
 7            *health and substance abuse services.*

8            “(6) *MENTAL HEALTH COURT.*—*The term ‘men-*  
 9            *tal health court’ means a judicial program that meets*  
 10           *the requirements of part V of this title.*

11           “(7) *MENTAL ILLNESS.*—*The term ‘mental ill-*  
 12           *ness’ means a diagnosable mental, behavioral, or emo-*  
 13           *tional disorder—*

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

19                  *“(B)(i) that, in the case of an adult, has re-*  
 20                  *sulted in functional impairment that substan-*  
 21                  *tially interferes with or limits 1 or more major*  
 22                  *life activities; or*

23                  *“(ii) that, in the case of a juvenile, has re-*  
 24                  *sulted in functional impairment that substan-*  
 25                  *tially interferes with or limits the juvenile’s role*

1           *or functioning in family, school, or community*  
2           *activities.*

3           “(8) *NONVIOLENT OFFENSE.*—*The term ‘non-*  
4           *violent offense’ means an offense that does not have as*  
5           *an element the use, attempted use, or threatened use*  
6           *of physical force against the person or property of an-*  
7           *other or is not a felony that by its nature involves a*  
8           *substantial risk that physical force against the person*  
9           *or property of another may be used in the course of*  
10          *committing the offense.*

11          “(9) *PRELIMINARILY QUALIFIED OFFENDER.*—  
12          *The term ‘preliminarily qualified offender’ means an*  
13          *adult or juvenile accused of a nonviolent offense*  
14          *who—*

15                 “(A)(i) *previously or currently has been di-*  
16                 *agnosed by a qualified mental health professional*  
17                 *as having a mental illness or co-occurring men-*  
18                 *tal illness and substance abuse disorders; or*

19                 “(ii) *manifests obvious signs of mental ill-*  
20                 *ness or co-occurring mental illness and substance*  
21                 *abuse disorders during arrest or confinement or*  
22                 *before any court; and*

23                 “(B) *has faced, is facing, or could face*  
24                 *criminal charges for a misdemeanor or non-*  
25                 *violent offense and is deemed eligible by a diver-*

1            *sion process, designated pretrial screening proc-*  
2            *ess, or by a magistrate or judge, on the ground*  
3            *that the commission of the offense is the product*  
4            *of the person’s mental illness.*

5            “(10) *SECRETARY.*—*The term ‘Secretary’ means*  
6            *the Secretary of Health and Human Services.*

7            “(11) *UNIT OF LOCAL GOVERNMENT.*—*The term*  
8            *‘unit of local government’ means any city, county,*  
9            *township, town, borough, parish, village, or other gen-*  
10           *eral purpose political subdivision of a State, includ-*  
11           *ing a State court, local court, or a governmental*  
12           *agency located within a city, county, township, town,*  
13           *borough, parish, or village.*

14           “(b) *PLANNING AND IMPLEMENTATION GRANTS.*—

15           “(1) *IN GENERAL.*—*The Attorney General, in*  
16           *consultation with the Secretary, may award non-*  
17           *renewable grants to eligible applicants to prepare a*  
18           *comprehensive plan for and implement an adult or*  
19           *juvenile collaboration program, which targets prelimi-*  
20           *narily qualified offenders in order to promote public*  
21           *safety and public health.*

22           “(2) *PURPOSES.*—*Grants awarded under this*  
23           *section shall be used to create or expand—*

1           “(A) mental health courts or other court-  
2 based programs for preliminarily qualified of-  
3 fenders;

4           “(B) programs that offer specialized train-  
5 ing to the officers and employees of a criminal  
6 or juvenile justice agency and mental health per-  
7 sonnel serving those with co-occurring mental ill-  
8 ness and substance abuse problems in procedures  
9 for identifying the symptoms of preliminarily  
10 qualified offenders in order to respond appro-  
11 priately to individuals with such illnesses;

12           “(C) programs that support cooperative ef-  
13 forts by criminal and juvenile justice agencies  
14 and mental health agencies to promote public  
15 safety by offering mental health treatment serv-  
16 ices and, where appropriate, substance abuse  
17 treatment services for—

18           “(i) preliminarily qualified offenders  
19 with mental illness or co-occurring mental  
20 illness and substance abuse disorders; or

21           “(ii) adult offenders with mental ill-  
22 ness during periods of incarceration, while  
23 under the supervision of a criminal justice  
24 agency, or following release from correc-  
25 tional facilities; and

1           “(D) programs that support intergovern-  
2           mental cooperation between State and local gov-  
3           ernments with respect to the mentally ill of-  
4           fender.

5           “(3) APPLICATIONS.—

6           “(A) IN GENERAL.—To receive a planning  
7           grant or an implementation grant, the joint ap-  
8           plicants shall prepare and submit a single appli-  
9           cation to the Attorney General at such time, in  
10          such manner, and containing such information  
11          as the Attorney General and the Secretary shall  
12          reasonably require. An application under part V  
13          of this title may be made in conjunction with an  
14          application under this section.

15          “(B) COMBINED PLANNING AND IMPLEMEN-  
16          TATION GRANT APPLICATION.—The Attorney  
17          General and the Secretary shall develop a proce-  
18          dure under which applicants may apply at the  
19          same time and in a single application for a  
20          planning grant and an implementation grant,  
21          with receipt of the implementation grant condi-  
22          tioned on successful completion of the activities  
23          funded by the planning grant.

24          “(4) PLANNING GRANTS.—

1           “(A) *APPLICATION.*—*The joint applicants*  
2           *may apply to the Attorney General for a non-*  
3           *renewable planning grant to develop a collabora-*  
4           *tion program.*

5           “(B) *CONTENTS.*—*The Attorney General*  
6           *and the Secretary may not approve a planning*  
7           *grant unless the application for the grant in-*  
8           *cludes or provides, at a minimum, for a budget*  
9           *and a budget justification, a description of the*  
10           *outcome measures that will be used to measure*  
11           *the effectiveness of the program in promoting*  
12           *public safety and public health, the activities*  
13           *proposed (including the provision of substance*  
14           *abuse treatment services, where appropriate) and*  
15           *a schedule for completion of such activities, and*  
16           *the personnel necessary to complete such activi-*  
17           *ties.*

18           “(C) *PERIOD OF GRANT.*—*A planning grant*  
19           *shall be effective for a period of 1 year, begin-*  
20           *ning on the first day of the month in which the*  
21           *planning grant is made. Applicants may not re-*  
22           *ceive more than 1 such planning grant.*

23           “(D) *AMOUNT.*—*The amount of a planning*  
24           *grant may not exceed \$75,000, except that the*

1           *Attorney General may, for good cause, approve a*  
2           *grant in a higher amount.*

3           “(E) *COLLABORATION SET ASIDE.*—*Up to 5*  
4           *percent of all planning funds shall be used to fos-*  
5           *ter collaboration between State and local govern-*  
6           *ments in furtherance of the purposes set forth in*  
7           *the Mentally Ill Offender Treatment and Crime*  
8           *Reduction Act of 2004.*

9           “(5) *IMPLEMENTATION GRANTS.*—

10           “(A) *APPLICATION.*—*Joint applicants that*  
11           *have prepared a planning grant application*  
12           *may apply to the Attorney General for approval*  
13           *of a nonrenewable implementation grant to de-*  
14           *velop a collaboration program.*

15           “(B) *COLLABORATION.*—*To receive an im-*  
16           *plementation grant, the joint applicants shall—*

17                   “(i) *document that at least 1 criminal*  
18                   *or juvenile justice agency (which can in-*  
19                   *clude a mental health court) and 1 mental*  
20                   *health agency will participate in the ad-*  
21                   *ministration of the collaboration program;*

22                   “(ii) *describe the responsibilities of*  
23                   *each participating agency, including how*  
24                   *each agency will use grant resources to pro-*  
25                   *vide supervision of offenders and jointly en-*

1           *sure that the provision of mental health*  
2           *treatment services and substance abuse serv-*  
3           *ices for individuals with co-occurring men-*  
4           *tal health and substance abuse disorders are*  
5           *coordinated, which may range from con-*  
6           *sultation or collaboration to integration in*  
7           *a single setting or treatment model;*

8           “(iii) *in the case of an application*  
9           *from a unit of local government, document*  
10           *that a State mental health authority has*  
11           *provided comment and review; and*

12           “(iv) *involve, to the extent practicable,*  
13           *in developing the grant application—*

14                   “(I) *preliminarily qualified of-*  
15                   *fenders;*

16                   “(II) *the families and advocates of*  
17                   *such individuals under subclause (I);*  
18                   *and*

19                   “(III) *advocates for victims of*  
20                   *crime.*

21           “(C) *CONTENT.—To be eligible for an im-*  
22           *plementation grant, joint applicants shall com-*  
23           *ply with the following:*



1           “(i) *DEFINITION OF TARGET POPU-*  
2           *LATION.—Applicants for an implementation*  
3           *grant shall—*

4                   “(I) *describe the population with*  
5                   *mental illness or co-occurring mental*  
6                   *illness and substance abuse disorders*  
7                   *that is targeted for the collaboration*  
8                   *program; and*

9                   “(II) *develop guidelines that can*  
10                   *be used by personnel of an adult or ju-*  
11                   *venile justice agency to identify pre-*  
12                   *liminarily qualified offenders.*

13           “(ii) *SERVICES.—Applicants for an*  
14           *implementation grant shall—*

15                   “(I) *ensure that preliminarily*  
16                   *qualified offenders who are to receive*  
17                   *treatment services under the collabora-*  
18                   *tion program will first receive individ-*  
19                   *ualized, validated, needs-based assess-*  
20                   *ments to determine, plan, and coordi-*  
21                   *nate the most appropriate services for*  
22                   *such individuals;*

23                   “(II) *specify plans for making*  
24                   *mental health, or mental health and*  
25                   *substance abuse, treatment services*

1           *available and accessible to prelimi-*  
2           *narily qualified offenders at the time of*  
3           *their release from the criminal justice*  
4           *system, including outside of normal*  
5           *business hours;*

6                   *“(III) ensure that there are sub-*  
7                   *stance abuse personnel available to re-*  
8                   *spond appropriately to the treatment*  
9                   *needs of preliminarily qualified offend-*  
10                  *ers;*

11                   *“(IV) determine eligibility for*  
12                  *Federal benefits;*

13                   *“(V) ensure that preliminarily*  
14                   *qualified offenders served by the col-*  
15                   *laboration program will have adequate*  
16                   *supervision and access to effective and*  
17                   *appropriate community-based mental*  
18                   *health services, including, in the case*  
19                   *of individuals with co-occurring men-*  
20                   *tal health and substance abuse dis-*  
21                   *orders, coordinated services, which may*  
22                   *range from consultation or collabora-*  
23                   *tion to integration in a single setting*  
24                  *treatment model;*

1                   “(VI) make available, to the extent  
2                   practicable, other support services that  
3                   will ensure the preliminarily qualified  
4                   offender’s successful reintegration into  
5                   the community (such as housing, edu-  
6                   cation, job placement, mentoring, and  
7                   health care and benefits, as well as the  
8                   services of faith-based and community  
9                   organizations for mentally ill individ-  
10                  uals served by the collaboration pro-  
11                  gram); and

12                   “(VII) include strategies, to the  
13                  extent practicable, to address develop-  
14                  mental and learning disabilities and  
15                  problems arising from a documented  
16                  history of physical or sexual abuse.

17                  “(D) HOUSING AND JOB PLACEMENT.—Re-  
18                  cipients of an implementation grant may use  
19                  grant funds to assist mentally ill offenders com-  
20                  pliant with the program in seeking housing or  
21                  employment assistance.

22                  “(E) POLICIES AND PROCEDURES.—Appli-  
23                  cants for an implementation grant shall strive to  
24                  ensure prompt access to defense counsel by crimi-  
25                  nal defendants with mental illness who are fac-

1            *ing charges that would trigger a constitutional*  
2            *right to counsel.*

3            “(F) *FINANCIAL.*—*Applicants for an imple-*  
4            *mentation grant shall—*

5                    “(i) *explain the applicant’s inability*  
6                    *to fund the collaboration program ade-*  
7                    *quately without Federal assistance;*

8                    “(ii) *specify how the Federal support*  
9                    *provided will be used to supplement, and*  
10                   *not supplant, State, local, Indian tribe, or*  
11                   *tribal organization sources of funding that*  
12                   *would otherwise be available, including bill-*  
13                   *ing third-party resources for services al-*  
14                   *ready covered under programs (such as*  
15                   *Medicaid, Medicare, and the State Chil-*  
16                   *dren’s Insurance Program); and*

17                   “(iii) *outline plans for obtaining nec-*  
18                   *essary support and continuing the proposed*  
19                   *collaboration program following the conclu-*  
20                   *sion of Federal support.*

21            “(G) *OUTCOMES.*—*Applicants for an imple-*  
22            *mentation grant shall—*

23                   “(i) *identify methodology and outcome*  
24                   *measures, as required by the Attorney Gen-*  
25                   *eral and the Secretary, to be used in evalu-*

1            *ating the effectiveness of the collaboration*  
2            *program;*

3            *“(ii) ensure mechanisms are in place*  
4            *to capture data, consistent with the method-*  
5            *ology and outcome measures under clause*  
6            *(i); and*

7            *“(iii) submit specific agreements from*  
8            *affected agencies to provide the data needed*  
9            *by the Attorney General and the Secretary*  
10           *to accomplish the evaluation under clause*  
11           *(i).*

12           *“(H) STATE PLANS.—Applicants for an im-*  
13           *plementation grant shall describe how the adult*  
14           *or juvenile collaboration program relates to exist-*  
15           *ing State criminal or juvenile justice and mental*  
16           *health plans and programs.*

17           *“(I) USE OF FUNDS.—Applicants that re-*  
18           *ceive an implementation grant may use funds*  
19           *for 1 or more of the following purposes:*

20           *“(i) MENTAL HEALTH COURTS AND DI-*  
21           *VERSION/ALTERNATIVE PROSECUTION AND*  
22           *SENTENCING PROGRAMS.—Funds may be*  
23           *used to create or expand existing mental*  
24           *health courts that meet program require-*  
25           *ments established by the Attorney General*

1            *under part V of this title, other court-based*  
2            *programs, or diversion and alternative*  
3            *prosecution and sentencing programs (in-*  
4            *cluding crisis intervention teams and treat-*  
5            *ment accountability services for commu-*  
6            *nities) that meet requirements established*  
7            *by the Attorney General and the Secretary.*

8            *“(ii) TRAINING.—Funds may be used*  
9            *to create or expand programs, such as crisis*  
10           *intervention training, which offer special-*  
11           *ized training to—*

12           *“(I) criminal justice system per-*  
13           *sonnel to identify and respond appro-*  
14           *priately to the unique needs of prelimi-*  
15           *narily qualified offenders; or*

16           *“(II) mental health system per-*  
17           *sonnel to respond appropriately to the*  
18           *treatment needs of preliminarily quali-*  
19           *fied offenders.*

20           *“(iii) SERVICE DELIVERY.—Funds*  
21           *may be used to create or expand programs*  
22           *that promote public safety by providing the*  
23           *services described in subparagraph (C)(ii)*  
24           *to preliminarily qualified offenders.*

1                   “(iv) *IN-JAIL AND TRANSITIONAL SERV-*  
2                   *ICES.—Funds may be used to promote and*  
3                   *provide mental health treatment and transi-*  
4                   *tional services for those incarcerated or for*  
5                   *transitional re-entry programs for those re-*  
6                   *leased from any penal or correctional insti-*  
7                   *tution.*

8                   “(J) *GEOGRAPHIC DISTRIBUTION OF*  
9                   *GRANTS.—The Attorney General, in consultation*  
10                  *with the Secretary, shall ensure that planning*  
11                  *and implementation grants are equitably distrib-*  
12                  *uted among the geographical regions of the*  
13                  *United States and between urban and rural pop-*  
14                  *ulations.*

15                  “(c) *PRIORITY.—The Attorney General, in awarding*  
16                  *funds under this section, shall give priority to applications*  
17                  *that—*

18                         “(1) *demonstrate the strongest commitment to*  
19                         *ensuring that such funds are used to promote both*  
20                         *public health and public safety;*

21                         “(2) *demonstrate the active participation of each*  
22                         *co-applicant in the administration of the collabora-*  
23                         *tion program;*

24                         “(3) *document, in the case of an application for*  
25                         *a grant to be used in whole or in part to fund treat-*

1 *ment services for adults or juveniles during periods of*  
 2 *incarceration or detention, that treatment programs*  
 3 *will be available to provide transition and re-entry*  
 4 *services for such individuals; and*

5 *“(4) have the support of both the Attorney Gen-*  
 6 *eral and the Secretary.*

7 *“(d) MATCHING REQUIREMENTS.—*

8 *“(1) FEDERAL SHARE.—The Federal share of the*  
 9 *cost of a collaboration program carried out by a*  
 10 *State, unit of local government, Indian tribe, or tribal*  
 11 *organization under this section shall not exceed—*

12 *“(A) 80 percent of the total cost of the pro-*  
 13 *gram during the first 2 years of the grant;*

14 *“(B) 60 percent of the total cost of the pro-*  
 15 *gram in year 3; and*

16 *“(C) 25 percent of the total cost of the pro-*  
 17 *gram in years 4 and 5.*

18 *“(2) NON-FEDERAL SHARE.—The non-Federal*  
 19 *share of payments made under this section may be*  
 20 *made in cash or in-kind fairly evaluated, including*  
 21 *planned equipment or services.*

22 *“(e) FEDERAL USE OF FUNDS.—The Attorney Gen-*  
 23 *eral, in consultation with the Secretary, in administering*  
 24 *grants under this section, may use up to 3 percent of funds*  
 25 *appropriated to—*



1           “(1) research the use of alternatives to prosecu-  
2           tion through pretrial diversion in appropriate cases  
3           involving individuals with mental illness;

4           “(2) offer specialized training to personnel of  
5           criminal and juvenile justice agencies in appropriate  
6           diversion techniques;

7           “(3) provide technical assistance to local govern-  
8           ments, mental health courts, and diversion programs,  
9           including technical assistance relating to program  
10          evaluation;

11          “(4) help localities build public understanding  
12          and support for community reintegration of individ-  
13          uals with mental illness;

14          “(5) develop a uniform program evaluation proc-  
15          ess; and

16          “(6) conduct a national evaluation of the col-  
17          laboration program that will include an assessment of  
18          its cost-effectiveness.

19          “(f) *INTERAGENCY TASK FORCE.*—

20                 “(1) *IN GENERAL.*—*The Attorney General and*  
21                 *the Secretary shall establish an interagency task force*  
22                 *with the Secretaries of Housing and Urban Develop-*  
23                 *ment, Labor, Education, and Veterans Affairs and the*  
24                 *Commissioner of Social Security, or their designees.*

1           “(2) *RESPONSIBILITIES.*—*The task force estab-*  
2           *lished under paragraph (1) shall—*

3                   “(A) *identify policies within their depart-*  
4                   *ments that hinder or facilitate local collaborative*  
5                   *initiatives for preliminarily qualified offenders;*  
6                   *and*

7                   “(B) *submit, not later than 2 years after*  
8                   *the date of enactment of this section, a report to*  
9                   *Congress containing recommendations for im-*  
10                   *proved interdepartmental collaboration regard-*  
11                   *ing the provision of services to preliminarily*  
12                   *qualified offenders.*

13           “(g) *MINIMUM ALLOCATION.*—*Unless all eligible appli-*  
14           *cations submitted by any State or unit of local government*  
15           *within such State for a planning or implementation grant*  
16           *under this section have been funded, such State, together*  
17           *with grantees within the State (other than Indian tribes),*  
18           *shall be allocated in each fiscal year under this section not*  
19           *less than 0.75 percent of the total amount appropriated in*  
20           *the fiscal year for planning or implementation grants pur-*  
21           *suant to this section.*

22           “(h) *AUTHORIZATION OF APPROPRIATIONS.*—*There*  
23           *are authorized to be appropriated to the Department of Jus-*  
24           *tice to carry out this section—*

25                   “(1) *\$50,000,000 for fiscal year 2005; and*

1           “(2) such sums as may be necessary for fiscal  
2           years 2006 through 2009.”.

3           (b) *LIST OF “BEST PRACTICES”*.—*The Attorney Gen-*  
4 *eral, in consultation with the Secretary of Health and*  
5 *Human Services, shall develop a list of “best practices” for*  
6 *appropriate diversion from incarceration of adult and juve-*  
7 *nile offenders.*

Attest:

*Clerk.*