

108TH CONGRESS  
2D SESSION

# S. 1194

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## AN ACT

To foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

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 “Mentally Ill Offender  
5 Treatment and Crime Reduction Act of 2004”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) According to the Bureau of Justice Statis-  
4 tics, over 16 percent of adults incarcerated in United  
5 States jails and prisons have a mental illness.

6 (2) According to the Office of Juvenile Justice  
7 and Delinquency Prevention, approximately 20 per-  
8 cent of youth in the juvenile justice system have se-  
9 rious mental health problems, and a significant  
10 number have co-occurring mental health and sub-  
11 stance abuse disorders.

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

17 (4) According to the Office of Juvenile Justice  
18 and Delinquency Prevention, over 150,000 juveniles  
19 who come into contact with the juvenile justice sys-  
20 tem each year meet the diagnostic criteria for at  
21 least 1 mental or emotional disorder.

22 (5) A significant proportion of adults with a se-  
23 rious mental illness who are involved with the crimi-  
24 nal justice system are homeless or at imminent risk  
25 of homelessness, and many of these individuals are  
26 arrested and jailed for minor, nonviolent offenses.

1           (6) The majority of individuals with a mental  
2           illness or emotional disorder who are involved in the  
3           criminal or juvenile justice systems are responsive to  
4           medical and psychological interventions that inte-  
5           grate treatment, rehabilitation, and support services.

6           (7) Collaborative programs between mental  
7           health, substance abuse, and criminal or juvenile  
8           justice systems that ensure the provision of services  
9           for those with mental illness or co-occurring mental  
10          illness and substance abuse disorders can reduce the  
11          number of such individuals in adult and juvenile cor-  
12          rections facilities, while providing improved public  
13          safety.

14 **SEC. 3. PURPOSE.**

15          The purpose of this Act is to increase public safety  
16          by facilitating collaboration among the criminal justice, ju-  
17          venile justice, mental health treatment, and substance  
18          abuse systems. Such collaboration is needed to—

19               (1) protect public safety by intervening with  
20               adult and juvenile offenders with mental illness or  
21               co-occurring mental illness and substance abuse dis-  
22               orders;

23               (2) provide courts, including existing and new  
24               mental health courts, with appropriate mental health  
25               and substance abuse treatment options;

1           (3) maximize the use of alternatives to prosecu-  
2           tion through graduated sanctions in appropriate  
3           cases involving nonviolent offenders with mental ill-  
4           ness;

5           (4) promote adequate training for criminal jus-  
6           tice system personnel about mental illness and sub-  
7           stance abuse disorders and the appropriate re-  
8           sponses to people with such illnesses;

9           (5) promote adequate training for mental health  
10          and substance abuse treatment personnel about  
11          criminal offenders with mental illness or co-occur-  
12          ring substance abuse disorders and the appropriate  
13          response to such offenders in the criminal justice  
14          system;

15          (6) promote communication among adult or ju-  
16          venile justice personnel, mental health and co-occur-  
17          ring mental illness and substance abuse disorders  
18          treatment personnel, nonviolent offenders with men-  
19          tal illness or co-occurring mental illness and sub-  
20          stance abuse disorders, and support services such as  
21          housing, job placement, community, faith-based, and  
22          crime victims organizations; and

23          (7) promote communication, collaboration, and  
24          intergovernmental partnerships among municipal,

1 county, and State elected officials with respect to  
 2 mentally ill offenders.

3 **SEC. 4. DEPARTMENT OF JUSTICE MENTAL HEALTH AND**  
 4 **CRIMINAL JUSTICE COLLABORATION PRO-**  
 5 **GRAM.**

6 (a) IN GENERAL.—Title I of the Omnibus Crime  
 7 Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
 8 et seq.) is amended by adding at the end the following:

9 **“PART HH—ADULT AND JUVENILE**  
 10 **COLLABORATION PROGRAM GRANTS**  
 11 **“SEC. 2991. ADULT AND JUVENILE COLLABORATION PRO-**  
 12 **GRAMS.**

13 “(a) DEFINITIONS.—In this section, the following  
 14 definitions shall apply:

15 “(1) APPLICANT.—The term ‘applicant’ means  
 16 States, units of local government, Indian tribes, and  
 17 tribal organizations that apply for a grant under this  
 18 section.

19 “(2) COLLABORATION PROGRAM.—The term  
 20 ‘collaboration program’ means a program to promote  
 21 public safety by ensuring access to adequate mental  
 22 health and other treatment services for mentally ill  
 23 adults or juveniles that is overseen cooperatively  
 24 by—

1           “(A) a criminal or juvenile justice agency  
2           or a mental health court; and

3           “(B) a mental health agency.

4           “(3) CRIMINAL OR JUVENILE JUSTICE AGEN-  
5           CY.—The term ‘criminal or juvenile justice agency’  
6           means an agency of a State or local government or  
7           its contracted agency that is responsible for detec-  
8           tion, arrest, enforcement, prosecution, defense, adju-  
9           dication, incarceration, probation, or parole relating  
10          to the violation of the criminal laws of that State or  
11          local government.

12          “(4) DIVERSION AND ALTERNATIVE PROSECU-  
13          TION AND SENTENCING.—

14               “(A) IN GENERAL.—The terms ‘diversion’  
15               and ‘alternative prosecution and sentencing’  
16               mean the appropriate use of effective mental  
17               health treatment alternatives to juvenile justice  
18               or criminal justice system institutional place-  
19               ments for preliminarily qualified offenders.

20               “(B) APPROPRIATE USE.—In this para-  
21               graph, the term ‘appropriate use’ includes the  
22               discretion of the judge or supervising authority,  
23               the leveraging of graduated sanctions to encour-  
24               age compliance with treatment, and law en-

1           forcement diversion, including crisis interven-  
2           tion teams.

3                   “(C) GRADUATED SANCTIONS.—In this  
4           paragraph, the term ‘graduated sanctions’  
5           means an accountability-based graduated series  
6           of sanctions (including incentives, treatments,  
7           and services) applicable to mentally ill offenders  
8           within both the juvenile and adult justice sys-  
9           tem to hold individuals accountable for their ac-  
10          tions and to protect communities by providing  
11          appropriate sanctions for inducing law-abiding  
12          behavior and preventing subsequent involvement  
13          in the criminal justice system.

14                   “(5) MENTAL HEALTH AGENCY.—The term  
15          ‘mental health agency’ means an agency of a State  
16          or local government or its contracted agency that is  
17          responsible for mental health services or co-occur-  
18          ring mental health and substance abuse services.

19                   “(6) MENTAL HEALTH COURT.—The term  
20          ‘mental health court’ means a judicial program that  
21          meets the requirements of part V of this title.

22                   “(7) MENTAL ILLNESS.—The term ‘mental ill-  
23          ness’ means a diagnosable mental, behavioral, or  
24          emotional disorder—

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

6           “(B)(i) that, in the case of an adult, has  
 7           resulted in functional impairment that substan-  
 8           tially interferes with or limits 1 or more major  
 9           life activities; or

10          “(ii) that, in the case of a juvenile, has re-  
 11          sulted in functional impairment that substan-  
 12          tially interferes with or limits the juvenile’s role  
 13          or functioning in family, school, or community  
 14          activities.

15          “(8) NONVIOLENT OFFENSE.—The term ‘non-  
 16          violent offense’ means an offense that does not have  
 17          as an element the use, attempted use, or threatened  
 18          use of physical force against the person or property  
 19          of another or is not a felony that by its nature in-  
 20          volves a substantial risk that physical force against  
 21          the person or property of another may be used in  
 22          the course of committing the offense.

23          “(9) PRELIMINARILY QUALIFIED OFFENDER.—  
 24          The term ‘preliminarily qualified offender’ means an



1 adult or juvenile accused of a nonviolent offense  
 2 who—

3 “(A)(i) previously or currently has been di-  
 4 agnosed by a qualified mental health profes-  
 5 sional as having a mental illness or co-occurring  
 6 mental illness and substance abuse disorders; or

7 “(ii) manifests obvious signs of mental ill-  
 8 ness or co-occurring mental illness and sub-  
 9 stance abuse disorders during arrest or confine-  
 10 ment or before any court; and

11 “(B) has faced, is facing, or could face  
 12 criminal charges for a misdemeanor or non-  
 13 violent offense and is deemed eligible by a di-  
 14 version process, designated pretrial screening  
 15 process, or by a magistrate or judge, on the  
 16 ground that the commission of the offense is  
 17 the product of the person’s mental illness.

18 “(10) SECRETARY.—The term ‘Secretary’  
 19 means the Secretary of Health and Human Services.

20 “(11) UNIT OF LOCAL GOVERNMENT.—The  
 21 term ‘unit of local government’ means any city,  
 22 county, township, town, borough, parish, village, or  
 23 other general purpose political subdivision of a  
 24 State, including a State court, local court, or a gov-

1       ernmental agency located within a city, county,  
2       township, town, borough, parish, or village.

3       “(b) PLANNING AND IMPLEMENTATION GRANTS.—

4               “(1) IN GENERAL.—The Attorney General, in  
5       consultation with the Secretary, may award non-  
6       renewable grants to eligible applicants to prepare a  
7       comprehensive plan for and implement an adult or  
8       juvenile collaboration program, which targets pre-  
9       liminarily qualified offenders in order to promote  
10      public safety and public health.

11             “(2) PURPOSES.—Grants awarded under this  
12      section shall be used to create or expand—

13               “(A) mental health courts or other court-  
14      based programs for preliminarily qualified of-  
15      fenders;

16               “(B) programs that offer specialized train-  
17      ing to the officers and employees of a criminal  
18      or juvenile justice agency and mental health  
19      personnel serving those with co-occurring men-  
20      tal illness and substance abuse problems in pro-  
21      cedures for identifying the symptoms of prelimi-  
22      narily qualified offenders in order to respond  
23      appropriately to individuals with such illnesses;

24               “(C) programs that support cooperative ef-  
25      forts by criminal and juvenile justice agencies

1 and mental health agencies to promote public  
 2 safety by offering mental health treatment serv-  
 3 ices and, where appropriate, substance abuse  
 4 treatment services for—

5 “(i) preliminarily qualified offenders  
 6 with mental illness or co-occurring mental  
 7 illness and substance abuse disorders; or

8 “(ii) adult offenders with mental ill-  
 9 ness during periods of incarceration, while  
 10 under the supervision of a criminal justice  
 11 agency, or following release from correc-  
 12 tional facilities; and

13 “(D) programs that support intergovern-  
 14 mental cooperation between State and local gov-  
 15 ernments with respect to the mentally ill of-  
 16 fender.

17 “(3) APPLICATIONS.—

18 “(A) IN GENERAL.—To receive a planning  
 19 grant or an implementation grant, the joint ap-  
 20 plicants shall prepare and submit a single appli-  
 21 cation to the Attorney General at such time, in  
 22 such manner, and containing such information  
 23 as the Attorney General and the Secretary shall  
 24 reasonably require. An application under part V

1 of this title may be made in conjunction with an  
 2 application under this section.

3 “(B) COMBINED PLANNING AND IMPLE-  
 4 MENTATION GRANT APPLICATION.—The Attor-  
 5 ney General and the Secretary shall develop a  
 6 procedure under which applicants may apply at  
 7 the same time and in a single application for a  
 8 planning grant and an implementation grant,  
 9 with receipt of the implementation grant condi-  
 10 tioned on successful completion of the activities  
 11 funded by the planning grant.

12 “(4) PLANNING GRANTS.—

13 “(A) APPLICATION.—The joint applicants  
 14 may apply to the Attorney General for a non-  
 15 renewable planning grant to develop a collabo-  
 16 ration program.

17 “(B) CONTENTS.—The Attorney General  
 18 and the Secretary may not approve a planning  
 19 grant unless the application for the grant in-  
 20 cludes or provides, at a minimum, for a budget  
 21 and a budget justification, a description of the  
 22 outcome measures that will be used to measure  
 23 the effectiveness of the program in promoting  
 24 public safety and public health, the activities  
 25 proposed (including the provision of substance

1 abuse treatment services, where appropriate)  
 2 and a schedule for completion of such activities,  
 3 and the personnel necessary to complete such  
 4 activities.

5 “(C) PERIOD OF GRANT.—A planning  
 6 grant shall be effective for a period of 1 year,  
 7 beginning on the first day of the month in  
 8 which the planning grant is made. Applicants  
 9 may not receive more than 1 such planning  
 10 grant.

11 “(D) AMOUNT.—The amount of a plan-  
 12 ning grant may not exceed \$75,000, except that  
 13 the Attorney General may, for good cause, ap-  
 14 prove a grant in a higher amount.

15 “(E) COLLABORATION SET ASIDE.—Up to  
 16 5 percent of all planning funds shall be used to  
 17 foster collaboration between State and local  
 18 governments in furtherance of the purposes set  
 19 forth in the Mentally Ill Offender Treatment  
 20 and Crime Reduction Act of 2004.

21 “(5) IMPLEMENTATION GRANTS.—

22 “(A) APPLICATION.—Joint applicants that  
 23 have prepared a planning grant application may  
 24 apply to the Attorney General for approval of a

1 nonrenewable implementation grant to develop  
2 a collaboration program.

3 “(B) COLLABORATION.—To receive an im-  
4 plementation grant, the joint applicants shall—

5 “(i) document that at least 1 criminal  
6 or juvenile justice agency (which can in-  
7 clude a mental health court) and 1 mental  
8 health agency will participate in the ad-  
9 ministration of the collaboration program;

10 “(ii) describe the responsibilities of  
11 each participating agency, including how  
12 each agency will use grant resources to  
13 provide supervision of offenders and jointly  
14 ensure that the provision of mental health  
15 treatment services and substance abuse  
16 services for individuals with co-occurring  
17 mental health and substance abuse dis-  
18 orders are coordinated, which may range  
19 from consultation or collaboration to inte-  
20 gration in a single setting or treatment  
21 model;

22 “(iii) in the case of an application  
23 from a unit of local government, document  
24 that a State mental health authority has  
25 provided comment and review; and

1 “(iv) involve, to the extent practicable,  
2 in developing the grant application—

3 “(I) preliminarily qualified of-  
4 fenders;

5 “(II) the families and advocates  
6 of such individuals under subclause  
7 (I); and

8 “(III) advocates for victims of  
9 crime.

10 “(C) CONTENT.—To be eligible for an im-  
11 plementation grant, joint applicants shall com-  
12 ply with the following:

13 “(i) DEFINITION OF TARGET POPU-  
14 LATION.—Applicants for an implementa-  
15 tion grant shall—

16 “(I) describe the population with  
17 mental illness or co-occurring mental  
18 illness and substance abuse disorders  
19 that is targeted for the collaboration  
20 program; and

21 “(II) develop guidelines that can  
22 be used by personnel of an adult or  
23 juvenile justice agency to identify pre-  
24 liminarily qualified offenders.

1 “(ii) SERVICES.—Applicants for an  
2 implementation grant shall—

3 “(I) ensure that preliminarily  
4 qualified offenders who are to receive  
5 treatment services under the collabo-  
6 ration program will first receive indi-  
7 vidualized, validated, needs-based as-  
8 sessments to determine, plan, and co-  
9 ordinate the most appropriate services  
10 for such individuals;

11 “(II) specify plans for making  
12 mental health, or mental health and  
13 substance abuse, treatment services  
14 available and accessible to prelimi-  
15 narily qualified offenders at the time  
16 of their release from the criminal jus-  
17 tice system, including outside of nor-  
18 mal business hours;

19 “(III) ensure that there are sub-  
20 stance abuse personnel available to re-  
21 spond appropriately to the treatment  
22 needs of preliminarily qualified offend-  
23 ers;

24 “(IV) determine eligibility for  
25 Federal benefits;



1           “(V) ensure that preliminarily  
 2           qualified offenders served by the col-  
 3           laboration program will have adequate  
 4           supervision and access to effective and  
 5           appropriate community-based mental  
 6           health services, including, in the case  
 7           of individuals with co-occurring men-  
 8           tal health and substance abuse dis-  
 9           orders, coordinated services, which  
 10          may range from consultation or col-  
 11          laboration to integration in a single  
 12          setting treatment model;

13           “(VI) make available, to the ex-  
 14          tent practicable, other support serv-  
 15          ices that will ensure the preliminarily  
 16          qualified offender’s successful re-  
 17          integration into the community (such  
 18          as housing, education, job placement,  
 19          mentoring, and health care and bene-  
 20          fits, as well as the services of faith-  
 21          based and community organizations  
 22          for mentally ill individuals served by  
 23          the collaboration program); and

24           “(VII) include strategies, to the  
 25          extent practicable, to address develop-

1                   mental and learning disabilities and  
 2                   problems arising from a documented  
 3                   history of physical or sexual abuse.

4                   “(D) HOUSING AND JOB PLACEMENT.—  
 5           Recipients of an implementation grant may use  
 6           grant funds to assist mentally ill offenders com-  
 7           pliant with the program in seeking housing or  
 8           employment assistance.

9                   “(E) POLICIES AND PROCEDURES.—Appli-  
 10          cants for an implementation grant shall strive  
 11          to ensure prompt access to defense counsel by  
 12          criminal defendants with mental illness who are  
 13          facing charges that would trigger a constitu-  
 14          tional right to counsel.

15                  “(F) FINANCIAL.—Applicants for an im-  
 16          plementation grant shall—

17                   “(i) explain the applicant’s inability to  
 18                  fund the collaboration program adequately  
 19                  without Federal assistance;

20                   “(ii) specify how the Federal support  
 21                  provided will be used to supplement, and  
 22                  not supplant, State, local, Indian tribe, or  
 23                  tribal organization sources of funding that  
 24                  would otherwise be available, including bill-  
 25                  ing third-party resources for services al-

1 ready covered under programs (such as  
2 Medicaid, Medicare, and the State Chil-  
3 dren’s Insurance Program); and

4 “(iii) outline plans for obtaining nec-  
5 essary support and continuing the pro-  
6 posed collaboration program following the  
7 conclusion of Federal support.

8 “(G) OUTCOMES.—Applicants for an im-  
9 plementation grant shall—

10 “(i) identify methodology and outcome  
11 measures, as required by the Attorney  
12 General and the Secretary, to be used in  
13 evaluating the effectiveness of the collabo-  
14 ration program;

15 “(ii) ensure mechanisms are in place  
16 to capture data, consistent with the meth-  
17 odology and outcome measures under  
18 clause (i); and

19 “(iii) submit specific agreements from  
20 affected agencies to provide the data need-  
21 ed by the Attorney General and the Sec-  
22 retary to accomplish the evaluation under  
23 clause (i).

24 “(H) STATE PLANS.—Applicants for an  
25 implementation grant shall describe how the

adult or juvenile collaboration program relates to existing State criminal or juvenile justice and mental health plans and programs.

“(I) USE OF FUNDS.—Applicants that receive an implementation grant may use funds for 1 or more of the following purposes:

“(i) MENTAL HEALTH COURTS AND DIVERSION/ALTERNATIVE PROSECUTION AND SENTENCING PROGRAMS.—Funds may be used to create or expand existing mental health courts that meet program requirements established by the Attorney General under part V of this title, other court-based programs, or diversion and alternative prosecution and sentencing programs (including crisis intervention teams and treatment accountability services for communities) that meet requirements established by the Attorney General and the Secretary.

“(ii) TRAINING.—Funds may be used to create or expand programs, such as crisis intervention training, which offer specialized training to—

1                   “(I) criminal justice system per-  
 2                   sonnel to identify and respond appro-  
 3                   priately to the unique needs of pre-  
 4                   liminarily qualified offenders; or

5                   “(II) mental health system per-  
 6                   sonnel to respond appropriately to the  
 7                   treatment needs of preliminarily quali-  
 8                   fied offenders.

9                   “(iii) SERVICE DELIVERY.—Funds  
 10                  may be used to create or expand programs  
 11                  that promote public safety by providing the  
 12                  services described in subparagraph (C)(ii)  
 13                  to preliminarily qualified offenders.

14                  “(iv) IN-JAIL AND TRANSITIONAL  
 15                  SERVICES.—Funds may be used to pro-  
 16                  mote and provide mental health treatment  
 17                  and transitional services for those incarcer-  
 18                  ated or for transitional re-entry programs  
 19                  for those released from any penal or cor-  
 20                  rectional institution.

21                  “(J) GEOGRAPHIC DISTRIBUTION OF  
 22                  GRANTS.—The Attorney General, in consulta-  
 23                  tion with the Secretary, shall ensure that plan-  
 24                  ning and implementation grants are equitably  
 25                  distributed among the geographical regions of

1           the United States and between urban and rural  
2           populations.

3           “(c) PRIORITY.—The Attorney General, in awarding  
4 funds under this section, shall give priority to applications  
5 that—

6           “(1) demonstrate the strongest commitment to  
7 ensuring that such funds are used to promote both  
8 public health and public safety;

9           “(2) demonstrate the active participation of  
10 each co-applicant in the administration of the col-  
11 laboration program;

12           “(3) document, in the case of an application for  
13 a grant to be used in whole or in part to fund treat-  
14 ment services for adults or juveniles during periods  
15 of incarceration or detention, that treatment pro-  
16 grams will be available to provide transition and re-  
17 entry services for such individuals; and

18           “(4) have the support of both the Attorney  
19 General and the Secretary.

20           “(d) MATCHING REQUIREMENTS.—

21           “(1) FEDERAL SHARE.—The Federal share of  
22 the cost of a collaboration program carried out by a  
23 State, unit of local government, Indian tribe, or trib-  
24 al organization under this section shall not exceed—

1           “(A) 80 percent of the total cost of the  
2           program during the first 2 years of the grant;

3           “(B) 60 percent of the total cost of the  
4           program in year 3; and

5           “(C) 25 percent of the total cost of the  
6           program in years 4 and 5.

7           “(2) NON-FEDERAL SHARE.—The non-Federal  
8           share of payments made under this section may be  
9           made in cash or in-kind fairly evaluated, including  
10          planned equipment or services.

11          “(e) FEDERAL USE OF FUNDS.—The Attorney Gen-  
12          eral, in consultation with the Secretary, in administering  
13          grants under this section, may use up to 3 percent of  
14          funds appropriated to—

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

18               “(2) offer specialized training to personnel of  
19               criminal and juvenile justice agencies in appropriate  
20               diversion techniques;

21               “(3) provide technical assistance to local gov-  
22               ernments, mental health courts, and diversion pro-  
23               grams, including technical assistance relating to pro-  
24               gram evaluation;

1           “(4) help localities build public understanding  
2           and support for community reintegration of individ-  
3           uals with mental illness;

4           “(5) develop a uniform program evaluation  
5           process; and

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

9           “(f) INTERAGENCY TASK FORCE.—

10           “(1) IN GENERAL.—The Attorney General and  
11           the Secretary shall establish an interagency task  
12           force with the Secretaries of Housing and Urban  
13           Development, Labor, Education, and Veterans Af-  
14           fairs and the Commissioner of Social Security, or  
15           their designees.

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

18           “(A) identify policies within their depart-  
19           ments that hinder or facilitate local collabor-  
20           ative initiatives for preliminarily qualified of-  
21           fenders; and

22           “(B) submit, not later than 2 years after  
23           the date of enactment of this section, a report  
24           to Congress containing recommendations for  
25           improved interdepartmental collaboration re-



1           garding the provision of services to prelimi-  
2           narily qualified offenders.

3           “(g) MINIMUM ALLOCATION.—Unless all eligible ap-  
4       plications submitted by any State or unit of local govern-  
5       ment within such State for a planning or implementation  
6       grant under this section have been funded, such State, to-  
7       gether with grantees within the State (other than Indian  
8       tribes), shall be allocated in each fiscal year under this  
9       section not less than 0.75 percent of the total amount ap-  
10      propriated in the fiscal year for planning or implementa-  
11      tion grants pursuant to this section.

12          “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
13       are authorized to be appropriated to the Department of  
14       Justice to carry out this section—

15               “(1) \$50,000,000 for fiscal year 2005; and

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

18          “(b) LIST OF “BEST PRACTICES”.—The Attorney  
19       General, in consultation with the Secretary of Health and  
20       Human Services, shall develop a list of “best practices”

- 1 for appropriate diversion from incarceration of adult and
- 2 juvenile offenders.

Passed the Senate October 11, 2004.

Attest:

*Secretary.*

108TH CONGRESS  
2D SESSION

# S. 1194

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## AN ACT

To foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.