

113TH CONGRESS  
1ST SESSION

# H. R. 401

To reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2013

Mr. NUGENT (for himself, Mr. SCOTT of Virginia, Mr. CICILLINE, Mr. GRIMM, Mr. GOWDY, Mr. SENSENBRENNER, Mr. REICHERT, Mr. VAN HOLLEN, Mr. CONYERS, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To reauthorize and improve the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

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 “Justice and Mental  
5 Health Collaboration Act of 2013”.

6 **SEC. 2. ASSISTING VETERANS.**

7 (a) REDESIGNATION.—Section 2991 of the Omnibus  
8 Crime Control and Safe Streets Act of 1968 (42 U.S.C.

1 3797aa) is amended by redesignating subsection (i) as  
2 subsection (l).

3 (b) ASSISTING VETERANS.—Section 2991 of the Om-  
4 nibus Crime Control and Safe Streets Act of 1968 (42  
5 U.S.C. 3797aa) is amended by inserting after subsection  
6 (h) the following:

7 “(i) ASSISTING VETERANS.—

8 “(1) DEFINITIONS.—In this subsection:

9 “(A) PEER TO PEER SERVICES OR PRO-  
10 GRAMS.—The term ‘peer to peer services or  
11 programs’ means services or programs that con-  
12 nect qualified veterans with other veterans for  
13 the purpose of providing support and  
14 mentorship to assist qualified veterans in ob-  
15 taining treatment, recovery, stabilization, or re-  
16 habilitation.

17 “(B) QUALIFIED VETERAN.—The term  
18 ‘qualified veteran’ means a preliminarily quali-  
19 fied offender who—

20 “(i) has served on active duty in any  
21 branch of the Armed Forces, including the  
22 National Guard and reserve components;  
23 and

1           “(ii) was discharged or released from  
2           such service under conditions other than  
3           dishonorable.

4           “(C) VETERANS TREATMENT COURT PRO-  
5           GRAM.—The term ‘veterans treatment court  
6           program’ means a court program involving col-  
7           laboration among criminal justice, veterans, and  
8           mental health and substance abuse agencies  
9           that provides qualified veterans with—

10           “(i) intensive judicial supervision and  
11           case management, which may include ran-  
12           dom and frequent drug testing where ap-  
13           propriate;

14           “(ii) a full continuum of treatment  
15           services, including mental health services,  
16           substance abuse services, medical services,  
17           and services to address trauma;

18           “(iii) alternatives to incarceration;  
19           and

20           “(iv) other appropriate services, in-  
21           cluding housing, transportation, mentoring,  
22           employment, job training, education, and  
23           assistance in applying for and obtaining  
24           available benefits.

25           “(2) VETERANS ASSISTANCE PROGRAM.—

1           “(A) IN GENERAL.—The Attorney General,  
2           in consultation with the Secretary of Veterans  
3           Affairs, may award grants under this sub-  
4           section to applicants to establish or expand—

5                   “(i) veterans treatment court pro-  
6                   grams;

7                   “(ii) peer to peer services or programs  
8                   for qualified veterans;

9                   “(iii) practices that identify and pro-  
10                  vide treatment, rehabilitation, legal, transi-  
11                  tional, and other appropriate services to  
12                  qualified veterans who have been incarcerated;  
13                  and

14                  “(iv) training programs to teach  
15                  criminal justice, law enforcement, correc-  
16                  tions, mental health, and substance abuse  
17                  personnel how to identify and appro-  
18                  priately respond to incidents involving  
19                  qualified veterans.

20           “(B) PRIORITY.—In awarding grants  
21           under this subsection, the Attorney General  
22           shall give priority to applications that—

23                   “(i) demonstrate collaboration be-  
24                   tween and joint investments by criminal

1 justice, mental health, substance abuse,  
2 and veterans service agencies;

3 “(ii) promote effective strategies to  
4 identify and reduce the risk of harm to  
5 qualified veterans and public safety; and

6 “(iii) propose interventions with em-  
7 pirical support to improve outcomes for  
8 qualified veterans.”.

9 **SEC. 3. CORRECTIONAL FACILITIES.**

10 Section 2991 of the Omnibus Crime Control and Safe  
11 Streets Act of 1968 (42 U.S.C. 3797aa) is amended by  
12 inserting after subsection (i), as so added by section 2,  
13 the following:

14 “(j) CORRECTIONAL FACILITIES.—

15 “(1) DEFINITIONS.—

16 “(A) CORRECTIONAL FACILITY.—The term  
17 ‘correctional facility’ means a jail, prison, or  
18 other detention facility used to house people  
19 who have been arrested, detained, held, or con-  
20 victed by a criminal justice agency or a court.

21 “(B) ELIGIBLE INMATE.—The term ‘eligi-  
22 ble inmate’ means an individual who—

23 “(i) is being held, detained, or incar-  
24 cerated in a correctional facility; and

1           “(ii) manifests obvious signs of a  
2           mental illness or has been diagnosed by a  
3           qualified mental health professional as hav-  
4           ing a mental illness.

5           “(2) CORRECTIONAL FACILITY GRANTS.—The  
6           Attorney General may award grants to applicants to  
7           enhance the capabilities of a correctional facility—

8           “(A) to identify and screen for eligible in-  
9           mates;

10          “(B) to plan and provide—

11           “(i) initial and periodic assessments of  
12           the clinical, medical, and social needs of in-  
13           mates; and

14           “(ii) appropriate treatment and serv-  
15           ices that address the mental health and  
16           substance abuse needs of inmates;

17          “(C) to develop, implement, and enhance—

18           “(i) post-release transition plans for  
19           eligible inmates that, in a comprehensive  
20           manner, coordinate health, housing, med-  
21           ical, employment, and other appropriate  
22           services and public benefits;

23           “(ii) the availability of mental health  
24           care services and substance abuse treat-  
25           ment services; and

1                   “(iii) alternatives to solitary confine-  
2                   ment and segregated housing and mental  
3                   health screening and treatment for inmates  
4                   placed in solitary confinement or seg-  
5                   regated housing; and

6                   “(D) to train each employee of the correc-  
7                   tional facility to identify and appropriately re-  
8                   spond to incidents involving inmates with men-  
9                   tal health or co-occurring mental health and  
10                  substance abuse disorders.”.

11 **SEC. 4. HIGH UTILIZERS.**

12                  Section 2991 of the Omnibus Crime Control and Safe  
13                  Streets Act of 1968 (42 U.S.C. 3797aa) is amended by  
14                  inserting after subsection (j), as added by section 3, the  
15                  following:

16                  “(k) DEMONSTRATION GRANTS RESPONDING TO  
17                  HIGH UTILIZERS.—

18                  “(1) DEFINITION.—In this subsection, the term  
19                  ‘high utilizer’ means an individual who—

20                         “(A) manifests obvious signs of mental ill-  
21                         ness or has been diagnosed by a qualified men-  
22                         tal health professional as having a mental ill-  
23                         ness; and

24                         “(B) consumes a significantly dispropor-  
25                         tionate quantity of public resources, such as

1 emergency, housing, judicial, corrections, and  
2 law enforcement services.

3 “(2) DEMONSTRATION GRANTS RESPONDING TO  
4 HIGH UTILIZERS.—

5 “(A) IN GENERAL.—The Attorney General  
6 may award not more than 6 grants per year  
7 under this subsection to applicants for the pur-  
8 pose of reducing the use of public services by  
9 high utilizers.

10 “(B) USE OF GRANTS.—A recipient of a  
11 grant awarded under this subsection may use  
12 the grant—

13 “(i) to develop or support multidisci-  
14 plinary teams that coordinate, implement,  
15 and administer community-based crisis re-  
16 sponses and long-term plans for high uti-  
17 lizers;

18 “(ii) to provide training on how to re-  
19 spond appropriately to the unique issues  
20 involving high utilizers for public service  
21 personnel, including criminal justice, men-  
22 tal health, substance abuse, emergency  
23 room, healthcare, law enforcement, correc-  
24 tions, and housing personnel;



1           “(iii) to develop or support alter-  
2 natives to hospital and jail admissions for  
3 high utilizers that provide treatment, sta-  
4 bilization, and other appropriate supports  
5 in the least restrictive, yet appropriate, en-  
6 vironment; or

7           “(iv) to develop protocols and systems  
8 among law enforcement, mental health,  
9 substance abuse, housing, corrections, and  
10 emergency medical service operations to  
11 provide coordinated assistance to high uti-  
12 lizers.

13           “(C) REPORT.—Not later than the last  
14 day of the first year following the fiscal year in  
15 which a grant is awarded under this subsection,  
16 the recipient of the grant shall submit to the  
17 Attorney General a report that—

18           “(i) measures the performance of the  
19 grant recipient in reducing the use of pub-  
20 lic services by high utilizers; and

21           “(ii) provides a model set of practices,  
22 systems, or procedures that other jurisdic-  
23 tions can adopt to reduce the use of public  
24 services by high utilizers.”.

1 **SEC. 5. ACADEMY TRAINING.**

2 Section 2991(h) of the Omnibus Crime Control and  
3 Safe Streets Act of 1968 (42 U.S.C. 3797aa(h)) is amend-  
4 ed—

5 (1) in paragraph (1), by adding at the end the  
6 following:

7 “(F) ACADEMY TRAINING.—To provide  
8 support for academy curricula, law enforcement  
9 officer orientation programs, continuing edu-  
10 cation training, and other programs that teach  
11 law enforcement personnel how to identify and  
12 respond to incidents involving persons with  
13 mental health disorders or co-occurring mental  
14 health and substance abuse disorders.”; and

15 (2) by adding at the end the following:

16 “(4) PRIORITY CONSIDERATION.—The Attorney  
17 General, in awarding grants under this subsection,  
18 shall give priority to programs that law enforcement  
19 personnel and members of the mental health and  
20 substance abuse professions develop and administer  
21 cooperatively.”.

22 **SEC. 6. EVIDENCE BASED PRACTICES.**

23 Section 2991(c) of the Omnibus Crime Control and  
24 Safe Streets Act of 1968 (42 U.S.C. 3797aa(c)) is amend-  
25 ed—

1 (1) in paragraph (3), by striking “or” at the  
2 end;

3 (2) by redesignating paragraph (4) as para-  
4 graph (6); and

5 (3) by inserting after paragraph (3), the fol-  
6 lowing:

7 “(4) propose interventions that have been  
8 shown by empirical evidence to reduce recidivism;

9 “(5) when appropriate, use validated assess-  
10 ment tools to target preliminarily qualified offenders  
11 with a moderate or high risk of recidivism and a  
12 need for treatment and services; or”.

13 **SEC. 7. SAFE COMMUNITIES.**

14 (a) IN GENERAL.—Section 2991(a) of the Omnibus  
15 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
16 3797aa(a)) is amended—

17 (1) in paragraph (7)—

18 (A) in the heading, by striking “MENTAL  
19 ILLNESS” and inserting “MENTAL ILLNESS;  
20 MENTAL HEALTH DISORDER”; and

21 (B) by striking “term ‘mental illness’  
22 means” and inserting “terms ‘mental illness’  
23 and ‘mental health disorder’ mean”; and

24 (2) by striking paragraph (9) and inserting the  
25 following:

1 “(9) PRELIMINARILY QUALIFIED OFFENDER.—

2 “(A) IN GENERAL.—The term ‘prelimi-  
3 narily qualified offender’ means an adult or ju-  
4 venile accused of an offense who—

5 “(i)(I) previously or currently has  
6 been diagnosed by a qualified mental  
7 health professional as having a mental ill-  
8 ness or co-occurring mental illness and  
9 substance abuse disorders;

10 “(II) manifests obvious signs of men-  
11 tal illness or co-occurring mental illness  
12 and substance abuse disorders during ar-  
13 rest or confinement or before any court; or

14 “(III) in the case of a veterans treat-  
15 ment court provided under subsection (i),  
16 has been diagnosed with, or manifests ob-  
17 vious signs of, mental illness or a sub-  
18 stance abuse disorder or co-occurring men-  
19 tal illness and substance abuse disorder;  
20 and

21 “(ii) has been unanimously approved  
22 for participation in a program funded  
23 under this section by, when appropriate,  
24 the relevant—

25 “(I) prosecuting attorney;

- 1 “(II) defense attorney;
- 2 “(III) probation or corrections
- 3 official;
- 4 “(IV) judge; and
- 5 “(V) a representative from the
- 6 relevant mental health agency de-
- 7 scribed in subsection (b)(5)(B)(i).

8 “(B) DETERMINATION.—In determining

9 whether to designate a defendant as a prelimi-

10 narily qualified offender, the relevant pros-

11 ecuting attorney, defense attorney, probation or

12 corrections official, judge, and mental health or

13 substance abuse agency representative shall

14 take into account—

15 “(i) whether the participation of the

16 defendant in the program would pose a

17 substantial risk of violence to the commu-

18 nity;

19 “(ii) the criminal history of the de-

20 fendant and the nature and severity of the

21 offense for which the defendant is charged;

22 “(iii) the views of any relevant victims

23 to the offense;

1           “(iv) the extent to which the defend-  
2           ant would benefit from participation in the  
3           program;

4           “(v) the extent to which the commu-  
5           nity would realize cost savings because of  
6           the defendant’s participation in the pro-  
7           gram; and

8           “(vi) whether the defendant satisfies  
9           the eligibility criteria for program partici-  
10          pation unanimously established by the rel-  
11          evant prosecuting attorney, defense attor-  
12          ney, probation or corrections official, judge  
13          and mental health or substance abuse  
14          agency representative.”.

15          (b) TECHNICAL AND CONFORMING AMENDMENT.—  
16          Section 2927(2) of the Omnibus Crime Control and Safe  
17          Streets Act of 1968 (42 U.S.C. 3797s–6(2)) is amended  
18          by striking “has the meaning given that term in section  
19          2991(a).” and inserting “means an offense that—

20                 “(A) does not have as an element the use,  
21                 attempted use, or threatened use of physical  
22                 force against the person or property of another;  
23                 or

24                 “(B) is not a felony that by its nature in-  
25                 volves a substantial risk that physical force

1           against the person or property of another may  
2           be used in the course of committing the of-  
3           fense.”.

4 **SEC. 8. REAUTHORIZATION OF APPROPRIATIONS.**

5           Subsection (l) of section 2991 of the Omnibus Crime  
6 Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa),  
7 as redesignated in section 2(a), is amended—

8           (1) in paragraph (1)—

9                   (A) in subparagraph (B), by striking  
10           “and” at the end;

11                   (B) in subparagraph (C), by striking the  
12           period and inserting “; and”; and

13                   (C) by adding at the end the following:

14                           “(D) \$40,000,000 for each of fiscal years  
15           2015 through 2019.”; and

16           (2) by adding at the end the following:

17                   “(3) LIMITATION.—Not more than 20 percent  
18           of the funds authorized to be appropriated under  
19           this section may be used for purposes described in  
20           subsection (i) (relating to veterans).”.

○