

114TH CONGRESS  
1ST SESSION

# S. 1738

To protect individuals by strengthening the Nation’s mental health infrastructure, improving the understanding of violence, strengthening firearm prohibitions and protections for at-risk individuals, and improving and expanding the reporting of mental health records to the National Instant Criminal Background Check System.

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## IN THE SENATE OF THE UNITED STATES

JULY 9, 2015

Mr. BLUMENTHAL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To protect individuals by strengthening the Nation’s mental health infrastructure, improving the understanding of violence, strengthening firearm prohibitions and protections for at-risk individuals, and improving and expanding the reporting of mental health records to the National Instant Criminal Background Check System.

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 “Safer Communities  
5       Act of 2015”.

**1 SEC. 2. TABLE OF CONTENTS.**

**2** The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Statement of purpose.

TITLE I—STRENGTHENING AND IMPROVING INTERVENTION  
EFFORTS

- Sec. 101. Mental health crisis assessment, prevention, and education grant program.
- Sec. 102. School-based mental health programs.
- Sec. 103. Justice and mental health collaboration.

TITLE II—IMPROVING RESEARCH ON VIOLENCE

- Sec. 201. Research with respect to violence.

TITLE III—UNDERSTANDING THE EPIDEMIC OF GUN VIOLENCE

- Sec. 301. National violent death reporting system.
- Sec. 302. Reaffirming Centers for Disease Control’s authority.
- Sec. 303. Protecting confidential doctor-patient relationship.

TITLE IV—ENSURING SAFE COMMUNITIES

- Sec. 401. Ban on firearm possession by person committed involuntarily to mental institution on an outpatient basis.
- Sec. 402. Grant program regarding firearms.
- Sec. 403. Notification of State and local law enforcement authorities of attempt to purchase firearm by ineligible person.

TITLE V—RESTORATION

- Sec. 501. Federal agency relief program.
- Sec. 502. State relief programs.
- Sec. 503. Ineligibility due to disqualifying mental status.

TITLE VI—SUBMISSION OF RECORDS TO NATIONAL INSTANT  
CRIMINAL BACKGROUND CHECK SYSTEM

- Sec. 601. Reports relating to submission of information to NICS.
- Sec. 602. Reauthorization of the National Criminal History Records Improvement Program.
- Sec. 603. Improvement of metrics and incentives.
- Sec. 604. Grants to States to improve coordination and automation of NICS record reporting.
- Sec. 605. Sharing of records by Federal departments and agencies with NICS.

**3 SEC. 3. STATEMENT OF PURPOSE.**

**4** The purpose of this Act is to ensure the public safety  
**5** and welfare of communities by promoting evidence-based

1 approaches that will prevent the tragic toll of gun violence  
 2 on families and communities. This purpose can be accom-  
 3 plished by—

4           (1) strengthening and improving intervention  
 5 efforts by increasing investments in programs de-  
 6 signed to appropriately identify, respond to, treat,  
 7 and mitigate future behavioral health crises;

8           (2) prioritizing research on reducing the threat  
 9 of gun violence to self or others and identifying fur-  
 10 ther risk factors for violence, including gender, cul-  
 11 ture, substance abuse, and history of violence; and

12           (3) restricting gun access by individuals found  
 13 to be at an elevated risk of committing future acts  
 14 of violence against self or others.

## 15 **TITLE I—STRENGTHENING AND** 16 **IMPROVING INTERVENTION** 17 **EFFORTS**

### 18 **SEC. 101. MENTAL HEALTH CRISIS ASSESSMENT, PREVEN-** 19 **TION, AND EDUCATION GRANT PROGRAM.**

20           (a) DEFINITIONS.—For purposes of this section, the  
 21 following definitions shall apply:

22           (1) ELIGIBLE ENTITY.—The term “eligible enti-  
 23 ty” means a State, political subdivision of a State,  
 24 or nonprofit private entity.

1           (2) SECRETARY.—The term “Secretary” means  
2           the Secretary of Health and Human Services.

3           (3) STATE.—The term “State” means each  
4           State of the United States, the District of Columbia,  
5           each commonwealth, territory or possession of the  
6           United States, and each federally recognized Indian  
7           tribe.

8           (b) ESTABLISHMENT OF GRANT PROGRAM.—

9           (1) ESTABLISHMENT.—The Secretary shall es-  
10          tablish a program to award grants to eligible entities  
11          to carry out the activities described in paragraph  
12          (2).

13          (2) USE OF FUNDS.—

14               (A) IN GENERAL.—Grants under this sec-  
15          tion may be used to carry out programs that—

16                   (i) expand early intervention and  
17                   treatment services to improve access to  
18                   mental health crisis assistance and address  
19                   unmet mental health care needs;

20                   (ii) expand the continuum of services  
21                   to address crisis intervention and crisis  
22                   stabilization;

23                   (iii) reduce recidivism due to mental  
24                   health crises and mitigate unnecessary ex-  
25                   penditures by local law enforcement; and

1 (iv) reduce unnecessary hospitaliza-  
2 tions by appropriately utilizing community-  
3 based services and improving access to  
4 timely mental health crisis assistance.

5 (B) AUTHORIZED ACTIVITIES.—The pro-  
6 grams described in subparagraph (A) may in-  
7 clude any or all of the following activities:

8 (i) Mental health crisis intervention  
9 and response training for law enforcement  
10 (to increase officers’ understanding and  
11 recognition of mental illnesses).

12 (ii) Mobile support that provides field-  
13 based behavioral health assistance to law  
14 enforcement and members of the commu-  
15 nity and links individuals in crisis to ap-  
16 propriate services.

17 (iii) School and community-based  
18 early intervention and prevention programs  
19 that provide mobile response, screening  
20 and assessment, training and education,  
21 and peer-based and family services.

22 (3) APPLICATION.—To be considered for a  
23 grant under this section, an eligible entity shall sub-  
24 mit an application to the Secretary at such time, in  
25 such manner, and containing such information as

1 the Secretary may require. At minimum, such appli-  
2 cation shall include a description of—

3 (A) the activities to be funded with the  
4 grant;

5 (B) community needs;

6 (C) the population to be served; and

7 (D) the interaction between the activities  
8 described in subparagraph (A) and public sys-  
9 tems of health and mental health care, law en-  
10 forcement, social services, and related assist-  
11 ance programs.

12 (4) SELECTING AMONG APPLICANTS.—

13 (A) IN GENERAL.—Grants shall be award-  
14 ed to eligible entities on a competitive basis.

15 (B) SELECTION CRITERIA.—The Secretary  
16 shall evaluate applicants based on such criteria  
17 as the Secretary determines to be appropriate,  
18 including the ability of an applicant to carry  
19 out the activities described in paragraph (2).

20 (5) REPORTS.—

21 (A) ANNUAL REPORTS.—

22 (i) ELIGIBLE ENTITIES.—As a condi-  
23 tion of receiving a grant under this section,  
24 an eligible entity shall agree to submit a  
25 report to the Secretary, on an annual

1 basis, describing the activities carried out  
2 with the grant and assessing the effective-  
3 ness of such activities.

4 (ii) SECRETARY.—The Secretary  
5 shall, on an annual basis, and using the re-  
6 ports received under clause (i), report to  
7 Congress on the overall impact and effec-  
8 tiveness of the grant program under this  
9 section.

10 (B) FINAL REPORT.—Not later than Janu-  
11 ary 15, 2019, the Secretary shall submit to  
12 Congress a final report that includes rec-  
13 ommendations with respect to the feasibility  
14 and advisability of extending or expanding the  
15 grant program.

16 (6) COLLECTION OF DATA.—

17 (A) IN GENERAL.—The Secretary shall col-  
18 lect data on the grant program to determine its  
19 effectiveness in reducing the social impact of  
20 mental health crises and the feasibility and ad-  
21 visability of extending the grant program.

22 (B) MANNER OF COLLECTION.—Data de-  
23 scribed in subparagraph (A) shall be collected  
24 and analyzed using a scientific peer-reviewed

1 system and valid and reliable results-based re-  
 2 search methodologies.

3 (c) FUNDING.—

4 (1) GRANT AMOUNT.—A grant under this sec-  
 5 tion shall be in an amount that is not more than  
 6 \$100,000 for each of fiscal years 2016 through  
 7 2020. Subject to the preceding sentence, the Sec-  
 8 retary shall determine the amount of each grant.

9 (2) AUTHORIZATION OF APPROPRIATIONS.—

10 There is authorized to be appropriated to carry out  
 11 this section \$10,000,000 for each of fiscal years  
 12 2016 through 2020.

13 **SEC. 102. SCHOOL-BASED MENTAL HEALTH PROGRAMS.**

14 (a) TECHNICAL AMENDMENTS.—The second part G  
 15 (relating to services provided through religious organiza-  
 16 tions) of title V of the Public Health Service Act (42  
 17 U.S.C. 290kk et seq.) is amended—

18 (1) by redesignating such part as part J; and

19 (2) by redesignating sections 581 through 584  
 20 as sections 596 through 596C, respectively.

21 (b) SCHOOL-BASED MENTAL HEALTH AND CHIL-  
 22 DREN AND VIOLENCE.—Section 581 of the Public Health  
 23 Service Act (42 U.S.C. 290hh) is amended to read as fol-  
 24 lows:



1 **“SEC. 581. SCHOOL-BASED MENTAL HEALTH AND CHIL-**  
2 **DREN AND VIOLENCE.**

3 “(a) IN GENERAL.—The Secretary, in collaboration  
4 with the Secretary of Education and in consultation with  
5 the Attorney General, shall, directly or through grants,  
6 contracts, or cooperative agreements awarded to public en-  
7 tities and local educational agencies, assist local commu-  
8 nities and schools in applying a public health approach  
9 to mental health services both in schools and in the com-  
10 munity. Such approach should provide comprehensive age-  
11 appropriate services and supports, be linguistically and  
12 culturally appropriate, be trauma-informed, and incor-  
13 porate age-appropriate strategies of positive behavioral  
14 interventions and supports. A comprehensive school men-  
15 tal health program funded under this section shall assist  
16 children in dealing with trauma and violence.

17 “(b) ACTIVITIES.—Under the program under sub-  
18 section (a), the Secretary may—

19 “(1) provide financial support to enable local  
20 communities to implement a comprehensive cul-  
21 turally and linguistically appropriate, trauma-in-  
22 formed, and age-appropriate, school mental health  
23 program that incorporates positive behavioral inter-  
24 ventions, client treatment, and supports to foster the  
25 health and development of children;

1           “(2) provide technical assistance to local com-  
2           munities with respect to the development of pro-  
3           grams described in paragraph (1);

4           “(3) provide assistance to local communities in  
5           the development of policies to address child and ado-  
6           lescent trauma and mental health issues and violence  
7           when and if it occurs;

8           “(4) facilitate community partnerships among  
9           families, students, law enforcement agencies, edu-  
10          cation systems, mental health and substance use dis-  
11          order service systems, family-based mental health  
12          service systems, welfare agencies, health care service  
13          systems (including physicians), faith-based pro-  
14          grams, trauma networks, and other community-  
15          based systems; and

16          “(5) establish mechanisms for children and ado-  
17          lescents to report incidents of violence or plans by  
18          other children, adolescents, or adults to commit vio-  
19          lence.

20          “(c) REQUIREMENTS.—

21                 “(1) IN GENERAL.—To be eligible for a grant,  
22                 contract, or cooperative agreement under subsection  
23                 (a), an entity shall—

24                         “(A) be a partnership between a local edu-  
25                         cational agency and at least one community

1 program or agency that is involved in mental  
2 health; and

3 “(B) submit an application, that is en-  
4 dored by all members of the partnership, that  
5 contains the assurances described in paragraph  
6 (2).

7 “(2) REQUIRED ASSURANCES.—An application  
8 under paragraph (1) shall contain assurances as fol-  
9 lows:

10 “(A) That the applicant will ensure that,  
11 in carrying out activities under this section, the  
12 local educational agency involved will enter into  
13 a memorandum of understanding—

14 “(i) with at least one public or private  
15 mental health entity, health care entity,  
16 law enforcement or juvenile justice entity,  
17 child welfare agency, family-based mental  
18 health entity, family or family organiza-  
19 tion, trauma network, or other community-  
20 based entity; and

21 “(ii) that clearly states—

22 “(I) how school-employed mental  
23 health professionals (such as school  
24 psychologists, school counselors, and  
25 school social workers) will be utilized

1 in the comprehensive school mental  
2 health program;

3 “(II) the responsibilities of each  
4 partner with respect to the activities  
5 to be carried out;

6 “(III) how each such partner will  
7 be accountable for carrying out such  
8 responsibilities; and

9 “(IV) the amount of non-Federal  
10 funding or in-kind contributions that  
11 each such partner will contribute in  
12 order to sustain the program.

13 “(B) That the comprehensive school-based  
14 mental health program carried out under this  
15 section supports the flexible use of funds to ad-  
16 dress—

17 “(i) the promotion of the social, emo-  
18 tional, mental, and behavioral health and  
19 wellness of all students in an environment  
20 that is conducive to learning;

21 “(ii) the reduction in the likelihood of  
22 at risk students developing social, emo-  
23 tional, mental, and behavioral health prob-  
24 lems, or substance use disorders;

1 “(iii) the early identification of social,  
 2 emotional, mental, and behavioral prob-  
 3 lems, or substance use disorders and the  
 4 provision of early intervention services;

5 “(iv) the treatment or referral for  
 6 treatment of students with existing social,  
 7 emotional, mental, and behavioral health  
 8 problems, or substance use disorders; and

9 “(v) the development and implementa-  
 10 tion of programs to assist children in deal-  
 11 ing with trauma and violence.

12 “(C) That the comprehensive school-based  
 13 mental health program carried out under this  
 14 section will provide for in-service training of all  
 15 school personnel, including ancillary staff and  
 16 volunteers, in—

17 “(i) the techniques and supports need-  
 18 ed to identify early children with trauma  
 19 histories and children with, or at risk of,  
 20 mental illness;

21 “(ii) the use of referral mechanisms  
 22 that effectively link such children to appro-  
 23 priate treatment and intervention services  
 24 in the school and in the community and to  
 25 follow-up when services are not available;

1 “(iii) strategies that promote the so-  
 2 cial, emotional, mental, and behavioral  
 3 health and wellness of all students;

4 “(iv) strategies for promoting the so-  
 5 cial, emotional, mental, and behavioral  
 6 health of all students; and

7 “(v) strategies to increase the knowl-  
 8 edge and skills of school and community  
 9 leaders about the impact of trauma and vi-  
 10 olence and on the application of a public  
 11 health approach to comprehensive school-  
 12 based mental health programs.

13 “(D) That the comprehensive school-based  
 14 mental health program carried out under this  
 15 section will include comprehensive training for  
 16 parents, siblings, and other family members of  
 17 children with mental health disorders, and for  
 18 concerned members of the community in—

19 “(i) the techniques and supports need-  
 20 ed to identify early children with trauma  
 21 histories, and children with, or at risk of,  
 22 mental illness;

23 “(ii) the use of referral mechanisms  
 24 that effectively link such children to appro-  
 25 priate treatment and intervention services

1 in the school and in the community and  
2 follow-up when such services are not avail-  
3 able; and

4 “(iii) strategies that promote a school-  
5 wide positive environment.

6 “(E) That the comprehensive school-based  
7 mental health program carried out under this  
8 section will demonstrate the measures to be  
9 taken to sustain the program after funding  
10 under this section terminates.

11 “(F) That the local educational agency  
12 partnership involved is supported by the State  
13 educational and mental health system to ensure  
14 that the sustainability of the programs is estab-  
15 lished after funding under this section termi-  
16 nates.

17 “(G) That the comprehensive school-based  
18 mental health program carried out under this  
19 section will be based on trauma-informed and  
20 evidence-based practices.

21 “(H) That the comprehensive school-based  
22 mental health program carried out under this  
23 section will be coordinated with early inter-  
24 vening activities carried out under the Individ-  
25 uals with Disabilities Education Act.

1           “(I) That the comprehensive school-based  
2           mental health program carried out under this  
3           section will be trauma-informed and culturally  
4           and linguistically appropriate.

5           “(J) That the comprehensive school-based  
6           mental health program carried out under this  
7           section will include a broad needs assessment of  
8           youth who drop out of school due to policies of  
9           ‘zero tolerance’ with respect to drugs, alcohol,  
10          or weapons and an inability to obtain appro-  
11          priate services.

12          “(K) That the mental health services pro-  
13          vided through the comprehensive school-based  
14          mental health program carried out under this  
15          section will be provided by qualified mental and  
16          behavioral health professionals who are certified  
17          or licensed by the State involved and practicing  
18          within their area of expertise.

19          “(3) COORDINATOR.—Any entity that is a  
20          member of a partnership described in paragraph  
21          (1)(A) may serve as the coordinator of funding and  
22          activities under the grant if all members of the part-  
23          nership agree.

24          “(4) COMPLIANCE WITH HIPAA.—A grantee  
25          under this section shall be deemed to be a covered



1       entity for purposes of compliance with the regula-  
2       tions promulgated under section 264(c) of the  
3       Health Insurance Portability and Accountability Act  
4       of 1996 with respect to any patient records devel-  
5       oped through activities under the grant.

6       “(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary  
7       shall ensure that grants, contracts, or cooperative agree-  
8       ments under subsection (a) will be distributed equitably  
9       among the regions of the country and among urban and  
10      rural areas.

11      “(e) DURATION OF AWARDS.—With respect to a  
12      grant, contract, or cooperative agreement under sub-  
13      section (a), the period during which payments under such  
14      an award will be made to the recipient shall be 6 years.  
15      An entity may receive only one award under this section,  
16      except that an entity that is providing services and sup-  
17      ports on a regional basis may receive additional funding  
18      after the expiration of the preceding grant period.

19      “(f) EVALUATION AND MEASURES OF OUTCOMES.—

20              “(1) DEVELOPMENT OF PROCESS.—The Ad-  
21      ministrator shall develop a fiscally appropriate proc-  
22      ess for evaluating activities carried out under this  
23      section. Such process shall include—

1           “(A) the development of guidelines for the  
2           submission of program data by grant, contract,  
3           or cooperative agreement recipients;

4           “(B) the development of measures of out-  
5           comes (in accordance with paragraph (2)) to be  
6           applied by such recipients in evaluating pro-  
7           grams carried out under this section; and

8           “(C) the submission of annual reports by  
9           such recipients concerning the effectiveness of  
10          programs carried out under this section.

11         “(2) MEASURES OF OUTCOMES.—

12                 “(A) IN GENERAL.—The Administrator  
13                 shall develop measures of outcomes to be ap-  
14                 plied by recipients of assistance under this sec-  
15                 tion, and the Administrator, in evaluating the  
16                 effectiveness of programs carried out under this  
17                 section. Such measures shall include student  
18                 and family measures as provided for in sub-  
19                 paragraph (B) and local educational measures  
20                 as provided for under subparagraph (C).

21                 “(B) STUDENT AND FAMILY MEASURES OF  
22                 OUTCOMES.—The measures of outcomes devel-  
23                 oped under paragraph (1)(B) relating to stu-  
24                 dents and families shall, with respect to activi-  
25                 ties carried out under a program under this

section, at a minimum include provisions to  
evaluate whether the program is effective in—

“(i) improving social, emotional, mental,  
and behavioral health and wellness;

“(ii) increasing academic competency  
(as defined by Secretary);

“(iii) reducing disruptive and aggressive  
behaviors;

“(iv) improving child functioning;

“(v) reducing substance use disorders;

“(vi) reducing suspensions, truancy,  
expulsions and violence;

“(vii) increasing graduation rates (as  
defined in section 1111(b)(2)(C)(vi) of the  
Elementary and Secondary Education Act  
of 1965); and

“(viii) improving access to care for  
mental health disorders.

“(C) LOCAL EDUCATIONAL OUTCOMES.—

The outcome measures developed under paragraph (1)(B) relating to local educational systems shall, with respect to activities carried out under a program under this section, at a minimum include provisions to evaluate—

1 “(i) the effectiveness of comprehensive  
2 school mental health programs established  
3 under this section;

4 “(ii) the effectiveness of formal part-  
5 nership linkages among child and family  
6 serving institutions, community support  
7 systems, and the educational system;

8 “(iii) the progress made in sustaining  
9 the program once funding under the grant  
10 has expired;

11 “(iv) the effectiveness of training and  
12 professional development programs for all  
13 school personnel that incorporate indica-  
14 tors that measure cultural and linguistic  
15 competencies under the program in a man-  
16 ner that incorporates appropriate cultural  
17 and linguistic training;

18 “(v) the improvement in perception of  
19 a safe and supportive learning environment  
20 among school staff, students, and parents;

21 “(vi) the improvement in case-finding  
22 of students in need of more intensive serv-  
23 ices and referral of identified students to  
24 early intervention and clinical services;

1                   “(vii) the improvement in the imme-  
2                   diate availability of clinical assessment and  
3                   treatment services within the context of  
4                   the local community to students posing a  
5                   danger to themselves or others;

6                   “(viii) the increased successful matric-  
7                   ulation to postsecondary school; and

8                   “(ix) reduced referrals to juvenile jus-  
9                   tice.

10                  “(3) SUBMISSION OF ANNUAL DATA.—An entity  
11                  that receives a grant, contract, or cooperative agree-  
12                  ment under this section shall annually submit to the  
13                  Administrator a report that includes data to evalu-  
14                  ate the success of the program carried out by the en-  
15                  tity based on whether such program is achieving the  
16                  purposes of the program. Such reports shall utilize  
17                  the measures of outcomes under paragraph (2) in a  
18                  reasonable manner to demonstrate the progress of  
19                  the program in achieving such purposes.

20                  “(4) EVALUATION BY ADMINISTRATOR.—Based  
21                  on the data submitted under paragraph (3), the Ad-  
22                  ministrator shall annually submit to Congress a re-  
23                  port concerning the results and effectiveness of the  
24                  programs carried out with assistance received under  
25                  this section.

1           “(5) LIMITATION.—A grantee shall use not to  
 2           exceed 10 percent of amounts received under a grant  
 3           under this section to carry out evaluation activities  
 4           under this subsection.

5           “(g) INFORMATION AND EDUCATION.—The Sec-  
 6           retary shall establish comprehensive information and edu-  
 7           cation programs to disseminate the findings of the knowl-  
 8           edge development and application under this section to the  
 9           general public and to health care professionals.

10          “(h) AMOUNT OF GRANTS AND AUTHORIZATION OF  
 11          APPROPRIATIONS.—

12           “(1) AMOUNT OF GRANTS.—A grant under this  
 13           section shall be in an amount that is not more than  
 14           \$1,000,000 for each of grant years 2016 through  
 15           2020. The Secretary shall determine the amount of  
 16           each such grant based on the population of children  
 17           up to age 21 of the area to be served under the  
 18           grant.

19           “(2) AUTHORIZATION OF APPROPRIATIONS.—  
 20           There is authorized to be appropriated to carry out  
 21           this section, \$200,000,000 for each of fiscal years  
 22           2016 through 2020.”.

23           “(c) CONFORMING AMENDMENT.—Part G of title V of  
 24           the Public Health Service Act (42 U.S.C. 290hh et seq.),

1 as amended by this section, is further amended by striking  
 2 the part heading and inserting the following:

3 **“PART G—SCHOOL-BASED MENTAL HEALTH”.**

4 **SEC. 103. JUSTICE AND MENTAL HEALTH COLLABORATION.**

5 (a) ASSISTING VETERANS.—

6 (1) REDESIGNATION.—Section 2991 of title I of  
 7 the Omnibus Crime Control and Safe Streets Act of  
 8 1968 (42 U.S.C. 3797aa) is amended by redesign-  
 9 ating subsection (i) as subsection (l).

10 (2) ASSISTING VETERANS.—Section 2991 of  
 11 title I of the Omnibus Crime Control and Safe  
 12 Streets Act of 1968 (42 U.S.C. 3797aa) is amended  
 13 by inserting after subsection (h) the following:

14 “(i) ASSISTING VETERANS.—

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

16 “(A) PEER TO PEER SERVICES OR PRO-  
 17 GRAMS.—The term ‘peer to peer services or  
 18 programs’ means services or programs that con-  
 19 nect qualified veterans with other veterans for  
 20 the purpose of providing support and  
 21 mentorship to assist qualified veterans in ob-  
 22 taining treatment, recovery, stabilization, or re-  
 23 habilitation.

1           “(B) QUALIFIED VETERAN.—The term  
2           ‘qualified veteran’ means a preliminarily quali-  
3           fied offender who—

4                   “(i) has served on active duty in any  
5                   branch of the Armed Forces, including the  
6                   National Guard and reserve components;  
7                   and

8                   “(ii) was discharged or released from  
9                   such service under conditions other than  
10                  dishonorable.

11           “(C) VETERANS TREATMENT COURT PRO-  
12           GRAM.—The term ‘veterans treatment court  
13           program’ means a court program involving col-  
14           laboration among criminal justice, veterans, and  
15           mental health and substance abuse agencies  
16           that provides qualified veterans with—

17                   “(i) intensive judicial supervision and  
18                   case management, which may include ran-  
19                   dom and frequent drug testing where ap-  
20                   propriate;

21                   “(ii) a full continuum of treatment  
22                   services, including mental health services,  
23                   substance abuse services, medical services,  
24                   and services to address trauma;

25                   “(iii) alternatives to incarceration; or



1           “(iv) other appropriate services, which  
2           may include housing, transportation, men-  
3           toring, employment, job training, edu-  
4           cation, and assistance in applying for and  
5           obtaining available benefits.

6           “(2) VETERANS ASSISTANCE PROGRAM.—

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

11           “(i) veterans treatment court pro-  
12          grams;

13           “(ii) peer to peer services or programs  
14          for qualified veterans;

15           “(iii) practices that identify and pro-  
16          vide treatment, rehabilitation, legal, transi-  
17          tional, and other appropriate services to  
18          qualified veterans who have been incarcerated;  
19          and

20           “(iv) training programs to teach  
21          criminal justice, law enforcement, correc-  
22          tions, mental health, and substance abuse  
23          personnel how to identify and appro-  
24          priately respond to incidents involving  
25          qualified veterans.

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

“(i) demonstrate collaboration between and joint investments by criminal justice, mental health, substance abuse, and veterans service agencies;

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

“(iii) propose interventions with empirical support to improve outcomes for qualified veterans.”.

(b) CORRECTIONAL FACILITIES.—Section 2991 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended by inserting after subsection (i), as so added by subsection (a), the following:

“(j) CORRECTIONAL FACILITIES.—

“(1) DEFINITIONS.—

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

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

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

5                   “(ii) manifests obvious signs of a  
6                   mental illness or has been diagnosed by a  
7                   qualified mental health professional as hav-  
8                   ing a mental illness.

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

12                   “(A) to identify and screen for eligible in-  
13          mates;

14                   “(B) to plan and provide—

15                           “(i) initial and periodic assessments of  
16                           the clinical, medical, and social needs of in-  
17                           mates; and

18                           “(ii) appropriate treatment and serv-  
19                           ices that address the mental health and  
20                           substance abuse needs of inmates;

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

22                           “(i) post-release transition plans for  
23                           eligible inmates that, in a comprehensive  
24                           manner, coordinate health, housing, med-

1            ical, employment, and other appropriate  
2            services and public benefits;

3            “(ii) the availability of mental health  
4            care services and substance abuse treat-  
5            ment services; and

6            “(iii) alternatives to solitary confine-  
7            ment and segregated housing and mental  
8            health screening and treatment for inmates  
9            placed in solitary confinement or seg-  
10          regated housing; and

11          “(D) to train each employee of the correc-  
12          tional facility to identify and appropriately re-  
13          spond to incidents involving inmates with men-  
14          tal health or co-occurring mental health and  
15          substance abuse disorders.”.

16          (c) HIGH UTILIZERS.—Section 2991 of title I of the  
17          Omnibus Crime Control and Safe Streets Act of 1968 (42  
18          U.S.C. 3797aa) is amended by inserting after subsection  
19          (j), as added by subsection (b), the following:

20          “(k) DEMONSTRATION GRANTS RESPONDING TO  
21          HIGH UTILIZERS.—

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

24                “(A) manifests obvious signs of mental ill-  
25          ness or has been diagnosed by a qualified men-

1           tal health professional as having a mental ill-  
2           ness; and

3           “(B) consumes a significantly dispropor-  
4           tionate quantity of public resources, such as  
5           emergency, housing, judicial, corrections, and  
6           law enforcement services.

7           “(2) DEMONSTRATION GRANTS RESPONDING TO  
8           HIGH UTILIZERS.—

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

14          “(B) USE OF GRANTS.—A recipient of a  
15          grant awarded under this subsection may use  
16          the grant—

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

22                 “(ii) to provide training on how to re-  
23                 spond appropriately to the unique issues  
24                 involving high utilizers for public service  
25                 personnel, including criminal justice, men-

tal health, substance abuse, emergency room, healthcare, law enforcement, corrections, and housing personnel;

“(iii) to develop or support alternatives to hospital and jail admissions for high utilizers that provide treatment, stabilization, and other appropriate supports in the least restrictive, yet appropriate, environment; or

“(iv) to develop protocols and systems among law enforcement, mental health, substance abuse, housing, corrections, and emergency medical service operations to provide coordinated assistance to high utilizers.

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

“(i) measures the performance of the grant recipient in reducing the use of public services by high utilizers; and

“(ii) provides a model set of practices, systems, or procedures that other jurisdic-

1                   tions can adopt to reduce the use of public  
2                   services by high utilizers.”.

3           (d) ACADEMY TRAINING.—Section 2991(h) of title I  
4 of the Omnibus Crime Control and Safe Streets Act of  
5 1968 (42 U.S.C. 3797aa(h)) is amended—

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

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

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

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

23           (e) EVIDENCE-BASED PRACTICES.—Section 2991(c)  
24 of title I of the Omnibus Crime Control and Safe Streets  
25 Act of 1968 (42 U.S.C. 3797aa(c)) is amended—

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       (f) SAFE COMMUNITIES.—

14           (1) IN GENERAL.—Section 2991(a) of title I of  
15      the Omnibus Crime Control and Safe Streets Act of  
16      1968 (42 U.S.C. 3797aa(a)) is amended by striking  
17      paragraph (9) and inserting the following:

18           “(9) PRELIMINARILY QUALIFIED OFFENDER.—

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

22           “(i)(I) previously or currently has  
23           been diagnosed by a qualified mental  
24           health professional as having a mental ill-



ness or co-occurring mental illness and  
substance abuse disorders;

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

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

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

“(I) prosecuting attorney;

“(II) defense attorney;

“(III) probation or corrections  
official;

“(IV) judge; and

“(V) representative from the rel-  
evant mental health agency described  
in subsection (b)(5)(B)(i).

1           “(B) DETERMINATION.—In determining  
2           whether to designate an individual as a prelimi-  
3           narily qualified offender, the relevant pros-  
4           ecuting attorney, defense attorney, probation or  
5           corrections official, judge, and mental health or  
6           substance abuse agency representative shall  
7           take into account—

8                   “(i) whether the participation of the  
9                   individual in the program would pose a  
10                  substantial risk of violence to the commu-  
11                  nity;

12                  “(ii) the criminal history of the indi-  
13                  vidual and the nature and severity of the  
14                  offense for which the individual is charged;

15                  “(iii) the views of any relevant victims  
16                  to the offense;

17                  “(iv) the extent to which the indi-  
18                  vidual would benefit from participation in  
19                  the program;

20                  “(v) the extent to which the commu-  
21                  nity would realize cost savings because of  
22                  the individual’s participation in the pro-  
23                  gram; and

24                  “(vi) whether the individual satisfies  
25                  the eligibility criteria for program partici-

1                   pation unanimously established by the rel-  
 2                   evant prosecuting attorney, defense attor-  
 3                   ney, probation or corrections official, judge  
 4                   and mental health or substance abuse  
 5                   agency representative.”.

6                   (2) TECHNICAL AND CONFORMING AMEND-  
 7                   MENT.—Section 2927(2) of title I of the Omnibus  
 8                   Crime Control and Safe Streets Act of 1968 (42  
 9                   U.S.C. 3797s–6(2)) is amended by striking “has the  
 10                  meaning given that term in section 2991(a).” and  
 11                  inserting “means an offense that—

12                   “(A) does not have as an element the use,  
 13                  attempted use, or threatened use of physical  
 14                  force against the person or property of another;  
 15                  or

16                   “(B) is not a felony that by its nature in-  
 17                  volves a substantial risk that physical force  
 18                  against the person or property of another may  
 19                  be used in the course of committing the of-  
 20                  fense.”.

21                  (g) REAUTHORIZATION OF APPROPRIATIONS.—Sub-  
 22                  section (l) of section 2991 of title I of the Omnibus Crime  
 23                  Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa),  
 24                  as redesignated in subsection (a)(1), is amended—

25                  (1) in paragraph (1)—

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

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

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

6 “(D) \$40,000,000 for each of fiscal years  
7 2016 through 2020.”; and

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

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

## 13 **TITLE II—IMPROVING** 14 **RESEARCH ON VIOLENCE**

### 15 **SEC. 201. RESEARCH WITH RESPECT TO VIOLENCE.**

16 (a) IN GENERAL.—The Secretary of Health and  
17 Human Services, in consultation with the Director of the  
18 National Institutes of Health, shall expand and intensify  
19 research on self-directed and other-directed violence asso-  
20 ciated with mental illness and substance abuse disorders.

21 (b) LIMITATIONS ON AUTHORIZATION OF APPRO-  
22 PRIATIONS.—To carry out subsection (a), there are au-  
23 thorized to be appropriated \$100,000, without fiscal year  
24 limitation, which is authorized to remain available until  
25 expended.

1 **TITLE III—UNDERSTANDING**  
 2 **THE EPIDEMIC OF GUN VIO-**  
 3 **LENCE**

4 **SEC. 301. NATIONAL VIOLENT DEATH REPORTING SYSTEM.**

5 The Secretary of Health and Human Services, acting  
 6 through the Director of the Centers for Disease Control  
 7 and Prevention, shall improve the National Violent Death  
 8 Reporting System, as authorized by title III of the Public  
 9 Health Service Act (42 U.S.C. 241 et seq.), particularly  
 10 through the expansion of the application of such system  
 11 to include the 50 States. Participation in the system by  
 12 the States shall be voluntary.

13 **SEC. 302. REAFFIRMING CENTERS FOR DISEASE CON-**  
 14 **TROL'S AUTHORITY.**

15 (a) IN GENERAL.—Section 391 of the Public Health  
 16 Service Act (42 U.S.C. 280b) is amended—

17 (1) in subsection (a)(1), by striking “research  
 18 relating to the causes, mechanisms, prevention, diag-  
 19 nosis, treatment of injuries, and rehabilitation from  
 20 injuries;” and inserting “research, including data  
 21 collection, relating to—

22 “(A) the causes, mechanisms, prevention, diag-  
 23 nosis, and treatment of injuries, including with re-  
 24 spect to gun violence; and

25 “(B) rehabilitation from such injuries;” and

1           (2) by adding at the end the following new sub-  
2           section:

3           “(c) NO ADVOCACY OR PROMOTION OF GUN CON-  
4 TROL.—Nothing in this section shall be construed to—

5           “(1) authorize the Secretary to give assistance,  
6           make grants, or enter into cooperative agreements or  
7           contracts for the purpose of advocating or promoting  
8           gun control; or

9           “(2) permit a recipient of any assistance, grant,  
10          cooperative agreement, or contract under this section  
11          to use such assistance, grant, agreement, or contract  
12          for the purpose of advocating or promoting gun con-  
13          trol.”.

14          (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
15 394A of the Public Health Service Act (42 U.S.C. 280b–  
16 3) is amended by striking “authorized to be appropriated”  
17 and all that follows through the end and inserting the fol-  
18 lowing: “authorized to be appropriated such sums as may  
19 be necessary for each of fiscal years 2016 through 2020.”.

20 **SEC. 303. PROTECTING CONFIDENTIAL DOCTOR-PATIENT**  
21 **RELATIONSHIP.**

22          Section 2717(c) of the Public Health Service Act (42  
23 U.S.C. 300gg–17(c)) is amended by adding at the end the  
24 following new paragraph:

1           “(6) RULE OF CONSTRUCTION.—Notwith-  
 2 standing the previous provisions of this subsection,  
 3 none of the authorities provided to the Secretary  
 4 under this subsection, Public Law 111–148, or an  
 5 amendment made by such Public Law shall be con-  
 6 strued to prohibit a physician or other health care  
 7 provider from—

8           “(A) asking a patient about the ownership,  
 9 possession, use, or storage of a firearm or am-  
 10 munition in the home of such patient;

11           “(B) speaking to a patient about gun safe-  
 12 ty; or

13           “(C) reporting to the authorities a pa-  
 14 tient’s threat of violence.”.

## 15           **TITLE IV—ENSURING SAFE** 16           **COMMUNITIES**

### 17   **SEC. 401. BAN ON FIREARM POSSESSION BY PERSON COM-** 18           **MITTED INVOLUNTARILY TO MENTAL INSTI-** 19           **TUTION ON AN OUTPATIENT BASIS.**

20           Section 922 of title 18, United States Code, is  
 21 amended—

22           (1) in subsection (d)(4), by inserting “on an in-  
 23 voluntary inpatient or involuntary outpatient basis”  
 24 before the semicolon; and

1           (2) in subsection (g)(4), by inserting “on an in-  
 2       voluntary inpatient or involuntary outpatient basis”  
 3       before the semicolon.

4   **SEC. 402. GRANT PROGRAM REGARDING FIREARMS.**

5       Section 506(b) of title I of the Omnibus Crime Con-  
 6   trol and Safe Streets Act of 1968 (42 U.S.C. 3756(b))  
 7   is amended—

8           (1) in the matter preceding paragraph (1), by  
 9       striking “to 1 or more States or units of local gov-  
 10      ernment, for 1 or more of the purposes specified in  
 11      section 501, pursuant to his determination that the  
 12      same is necessary” and inserting “to—”;

13          (2) by redesignating paragraphs (1) and (2) as  
 14      subparagraphs (A) and (B), respectively, and adjust-  
 15      ing the margins accordingly;

16          (3) by inserting before subparagraph (A), as re-  
 17      designated, the following:

18           “(1) 1 or more States or units of local govern-  
 19      ment, for 1 or more of the purposes specified in sec-  
 20      tion 501, pursuant to his determination that the  
 21      same is necessary—”;

22          (4) in paragraph (1)(B), as redesignated, by  
 23      striking the period at the end and inserting “; or”;  
 24      and

25          (5) by adding at the end the following:



1           “(2) 1 or more States, if that State has dem-  
2           onstrated, in the determination of the Attorney Gen-  
3           eral, that the State has adopted policies, procedures,  
4           protocols, laws or regulations pertaining to the pos-  
5           session or transfer of firearms or ammunition that—

6                   “(A)(i) give State and local law enforce-  
7                   ment the authority, to the extent allowable  
8                   under Federal laws and the United States Con-  
9                   stitution, to seize firearms or ammunition from  
10                  an individual pursuant to a warrant, where  
11                  there is probable cause to believe that the indi-  
12                  vidual in possession of such firearms or ammu-  
13                  nition poses an elevated risk of harm to himself  
14                  or herself or to another individual, which may  
15                  be determined by considering whether the indi-  
16                  vidual has caused harm to himself or herself or  
17                  another individual, has detailed plans to cause  
18                  harm to himself or herself or another indi-  
19                  vidual, has a history of substance abuse, or  
20                  lacks impulse control; and

21                   “(ii) provide that not later than 14 days  
22                  after such a seizure, an individual from whom  
23                  a firearm or ammunition was so seized shall be  
24                  given an opportunity to contest such seizure in  
25                  court, and any firearm or ammunition so seized

1 shall be returned to the individual, unless a  
 2 State or local law enforcement officer dem-  
 3 onstrates in court by a preponderance of the  
 4 evidence that the individual from whom a fire-  
 5 arm or ammunition was seized poses an ele-  
 6 vated risk of harm to himself or herself or to  
 7 another individual; or

8 “(B) temporarily prohibit an individual  
 9 who has been involuntarily hospitalized for a  
 10 period of not less than 48 hours for mental ill-  
 11 ness on an emergency basis, from possessing a  
 12 firearm or ammunition.”.

13 **SEC. 403. NOTIFICATION OF STATE AND LOCAL LAW EN-**  
 14 **FORCEMENT AUTHORITIES OF ATTEMPT TO**  
 15 **PURCHASE FIREARM BY INELIGIBLE PER-**  
 16 **SON.**

17 (a) IN GENERAL.—The Attorney General shall estab-  
 18 lish a system for the prompt notification of the relevant  
 19 State and local law enforcement agencies when the Na-  
 20 tional Instant Criminal Background Check System estab-  
 21 lished under section 103 of the Brady Handgun Violence  
 22 Prevention Act (18 U.S.C. 922 note) notifies a licensed  
 23 dealer that the information available to the system indi-  
 24 cates that the possession of a firearm by an individual at-  
 25 tempting to obtain a firearm from the licensed dealer

1 would violate subsection (g) or (n) of section 922 of title  
 2 18, United States Code, or State law, except when it is  
 3 determined, on a case-by-case basis, that law enforcement  
 4 purposes would best be served by not providing such a no-  
 5 tice.

6 (b) DEFINITIONS.—In this section, the terms “fire-  
 7 arm” and “licensed dealer” shall have the meanings given  
 8 such terms in section 921(a) of title 18, United States  
 9 Code.

## 10 **TITLE V—RESTORATION**

### 11 **SEC. 501. FEDERAL AGENCY RELIEF PROGRAM.**

12 Section 101(c) of the NICS Improvement Amend-  
 13 ments Act of 2007 (18 U.S.C. 922 note) is amended—

14 (1) in paragraph (2)(A)(i), by inserting after  
 15 “imposed by such subsections” the following: “if  
 16 such person is a person described in subparagraph  
 17 (C) and submits the opinion (and records and infor-  
 18 mation supporting the opinion) of a psychiatrist, a  
 19 clinical psychologist, or a licensed or qualified men-  
 20 tal health professional who can provide adequate in-  
 21 formation who has personally evaluated the person”;  
 22 and

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

24 “(C) PERSON DESCRIBED.—A person is  
 25 described in this subparagraph if, beginning not

1 earlier than 1 year after the person is subject  
2 to the disabilities imposed by subsection (d)(4)  
3 or (g)(4) of section 922 of title 18, United  
4 States Code, and after affording the Federal  
5 department or agency the opportunity to re-  
6 quest an additional evaluation, by a psychia-  
7 trist, a clinical psychologist, or a licensed or  
8 qualified mental health professional who can  
9 provide adequate information appointed by the  
10 department or agency, the department or agen-  
11 cy determines by a preponderance of the evi-  
12 dence received that—

13 “(i) the person no longer manifests  
14 the symptoms of mental disorder that re-  
15 sulted in that person’s adjudication as in-  
16 eligible due to disqualifying mental status  
17 or involuntary commitment or that other-  
18 wise significantly elevate the risk of harm  
19 to self or others;

20 “(ii) the person has adhered consist-  
21 ently to any prescribed treatment for a  
22 substantial period of time preceding the  
23 date of the application and has expressed  
24 a willingness to continue treatment under  
25 an appropriate mental health professional;

1 “(iii) if ongoing treatment is required,  
 2 that adherence to that treatment is likely  
 3 to minimize the risk that the person will  
 4 revert to a mental state that would present  
 5 a danger to self or others; and

6 “(iv) the granting of the relief would  
 7 not be contrary to the public interest.”.

8 **SEC. 502. STATE RELIEF PROGRAMS.**

9 (a) IN GENERAL.—Section 105 of the NICS Im-  
 10 provement Amendments Act of 2007 (18 U.S.C. 922 note)  
 11 is amended—

12 (1) in subsection (a)(2), by striking “if the cir-  
 13 cumstances regarding the disabilities referred to in  
 14 paragraph (1), and the person’s record and reputa-  
 15 tion, are such that the person will not be likely to  
 16 act in a manner dangerous to public safety and that  
 17 the granting of the relief would not be contrary to  
 18 the public interest; and” and inserting the following:  
 19 “beginning not earlier than 1 year after the person  
 20 is first adjudicated as described in subsection (g)(4)  
 21 of section 922 of title 18, United States Code, if the  
 22 person submits the opinion (and records and infor-  
 23 mation supporting the opinion) of a psychiatrist, a  
 24 clinical psychologist, or a licensed or qualified men-  
 25 tal health professional who can provide adequate in-

1       formation who has personally evaluated the person,  
2       and after affording the State the opportunity to re-  
3       quest an additional evaluation, by a psychiatrist,  
4       clinical psychologist, or other licensed or qualified  
5       mental health professional who can provide adequate  
6       information appointed by the court, board, commis-  
7       sion, or other lawful authority, only if the court,  
8       board, commission, or other lawful authority deter-  
9       mines by a preponderance of the evidence received  
10      that the person is a person described in subsection  
11      (c); and”;

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

13      “(c) ELIGIBLE PERSON DESCRIBED.—A person de-  
14      scribed in this subsection is any person who submits with  
15      the application for relief under subsection (a)(1), the opin-  
16      ion (and records and information supporting the opinion)  
17      of a psychiatrist, a clinical psychologist, or a licensed or  
18      qualified mental health professional who can provide ade-  
19      quate information who has personally evaluated the peti-  
20      tioner and which attests that—

21               “(1) the person no longer manifests the symp-  
22      toms of disqualifying mental status that resulted in  
23      that person’s adjudication as a mental defective or  
24      involuntary commitment;

1           “(2) the person appears to have adhered con-  
2           sistently to any prescribed treatment for a substan-  
3           tial period of time preceding the date of the applica-  
4           tion and has expressed a willingness to continue  
5           treatment under an appropriate mental health pro-  
6           fessional;

7           “(3) if ongoing treatment is required, that ad-  
8           herence to that treatment is likely to minimize the  
9           risk that the person will revert to a mental state  
10          that would present a danger to self or others; and

11          “(4) the granting of the relief would not be con-  
12          trary to the public interest.

13          “(d) DEFINITIONS.—The Attorney General may, by  
14          rule, define terms used in this section to ensure conformity  
15          with Federal programs providing relief from disabilities  
16          imposed under subsections (d) and (g) of section 922 of  
17          title 18, United States Code.”.

18          (b) TRANSITION RULE.—The amendment made by  
19          subsection (a) shall apply only beginning on the date that  
20          is 5 years after the date of enactment of this Act, in the  
21          case of any State that has a program described in section  
22          105 of the NICS Improvement Amendments Act of 2007  
23          (18 U.S.C. 922 note) in effect on the date of enactment  
24          of this Act.

1 **SEC. 503. INELIGIBILITY DUE TO DISQUALIFYING MENTAL**  
2 **STATUS.**

3 (a) TITLE 18.—Part I of title 18, United States  
4 Code, is amended—

5 (1) in section 175b(d)(2)(F), by striking “adju-  
6 dicated as a mental defective” and inserting “adju-  
7 dicated as ineligible due to disqualifying mental sta-  
8 tus”;

9 (2) in section 842—

10 (A) in subsection (d)(6), by striking “adju-  
11 dicated as a mental defective” and inserting  
12 “adjudicated as ineligible due to disqualifying  
13 mental status”; and

14 (B) in subsection (i)(4), by striking “adju-  
15 dicated as a mental defective” and inserting  
16 “adjudicated as ineligible due to disqualifying  
17 mental status”; and

18 (3) in section 922—

19 (A) in subsection (d)(4), as amended by  
20 section 401, by striking “adjudicated as a men-  
21 tal defective” and inserting “adjudicated as in-  
22 eligible due to disqualifying mental status”; and

23 (B) in subsection (g)(4), as amended by  
24 section 401, by striking “adjudicated as a men-  
25 tal defective” and inserting “adjudicated as in-  
26 eligible due to disqualifying mental status”; and



1 (C) in subsection (s)(3)(B)(iv), by striking  
 2 “adjudicated as a mental defective” and insert-  
 3 ing “adjudicated as ineligible due to disquali-  
 4 fying mental status”.

5 (b) NICS IMPROVEMENT AMENDMENTS ACT OF  
 6 2007.—The NICS Improvement Amendments Act of 2007  
 7 is amended—

8 (1) in section 3(2), by striking “adjudicated as  
 9 a mental defective” and inserting “adjudicated as in-  
 10 eligible due to disqualifying mental status”;

11 (2) in section 101(b)(2)(C)(ii), by striking “ad-  
 12 judicated as a mental defective” and inserting “ad-  
 13 judicated as ineligible due to disqualifying mental  
 14 status”;

15 (3) in section 101(c)(1)(C), by striking “adju-  
 16 dicated as a mental defective” and inserting “adju-  
 17 dicated as ineligible due to disqualifying mental sta-  
 18 tus”;

19 (4) in section 101(c)(3)—

20 (A) in the matter preceding subparagraph  
 21 (A), by striking “adjudicate a person as a men-  
 22 tal defective,” and insert “adjudicate a person  
 23 as ineligible due to disqualifying mental sta-  
 24 tus”; and

1 (B) in subparagraph (A), by striking “ad-  
 2 judicate the person as a mental defective,” and  
 3 insert “adjudicate the person as ineligible due  
 4 to disqualifying mental status”; and  
 5 (5) in section 102(b)(1)(C)(iv), by striking “ad-  
 6 judicated as a mental defective” and inserting “ad-  
 7 judicated as ineligible due to disqualifying mental  
 8 status”.

9 **TITLE VI—SUBMISSION OF**  
 10 **RECORDS TO NATIONAL IN-**  
 11 **STANT CRIMINAL BACK-**  
 12 **GROUND CHECK SYSTEM**

13 **SEC. 601. REPORTS RELATING TO SUBMISSION OF INFOR-**  
 14 **MATION TO NICS.**

15 Section 201 of the NICS Improvement Amendments  
 16 Act of 2007 (18 U.S.C. 922 note) is amended—

17 (1) by amending subsection (b) to read as fol-  
 18 lows:

19 “(b) REPORT ON PERSONS PROHIBITED FROM OB-  
 20 TAINING FIREARMS AS A RESULT OF A CONVICTION OF  
 21 A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE.—Not  
 22 later than January 31 of each year, the Director shall sub-  
 23 mit to Congress a report containing the number of persons  
 24 reported by each State to the National Instant Criminal  
 25 Background Check System who are prohibited from pos-

1   sessing or receiving a firearm under section 922(g)(9) of  
2   title 18, United States Code.”;

3           (2) by redesignating subsection (d) as (e); and

4           (3) by inserting after subsection (c) the fol-  
5   lowing:

6           “(d) REPORT ON PROMISING PRACTICES.—

7           “(1) IN GENERAL.—Not later than 180 days  
8   after the date of enactment of the Safer Commu-  
9   nities Act of 2015, and annually thereafter, the Di-  
10   rector shall submit to Congress and to each State  
11   participating in the National Criminal History Im-  
12   provement Program, a report of the practices of the  
13   States that the Director considers to be promising  
14   practices.

15           “(2) PROMISING PRACTICE DEFINED.—For  
16   purposes of this subsection, the term ‘promising  
17   practice’ means a program, activity, or strategy of a  
18   State regarding the collection, maintenance, automa-  
19   tion, and transmittal of information relevant to de-  
20   termining whether a person is prohibited from pos-  
21   sessing or receiving a firearm by Federal or State  
22   law, by the State or any other agency, or any other  
23   records relevant to the National Instant Criminal  
24   Background Check System, that the Director deter-  
25   mines—

1           “(A) has been used by a State or other  
 2           agency to successfully increase or expand its  
 3           ability to collect, maintain, automate, and  
 4           transmit the information described in the mat-  
 5           ter preceding this subparagraph;

6           “(B) shows promise in its early stages of  
 7           becoming a best practice under subsection (c),  
 8           with long-term sustainable impact; and

9           “(C) may be replicated by other States or  
 10          agencies.”.

11 **SEC. 602. REAUTHORIZATION OF THE NATIONAL CRIMINAL**  
 12 **HISTORY RECORDS IMPROVEMENT PRO-**  
 13 **GRAM.**

14          Section 106(b) of Public Law 103–159 (18 U.S.C.  
 15 922 note) is amended—

16           (1) in paragraph (1), in the matter preceding  
 17           subparagraph (A), by striking “of this Act” and in-  
 18           serting “of the Safer Communities Act of 2015”;  
 19           and

20           (2) by striking paragraph (2) and inserting the  
 21           following:

22           “(2) **AUTHORIZATION OF APPROPRIATIONS.—**  
 23           There are authorized to be appropriated for grants  
 24           under this subsection \$100,000,000 for each of fis-  
 25           cal years 2016 through 2019.”.

1 **SEC. 603. IMPROVEMENT OF METRICS AND INCENTIVES.**

2 Section 102(b) of the NICS Improvement Amend-  
3 ments Act of 2007 (18 U.S.C. 922 note) is amended to  
4 read as follows:

5 “(b) IMPLEMENTATION PLAN.—

6 “(1) IN GENERAL.—Not later than 1 year after  
7 the date of enactment of the Safer Communities Act  
8 of 2015, the Attorney General, in coordination with  
9 the States, shall establish for each State or Indian  
10 tribal government applying for a grant under section  
11 103 a 4-year implementation plan to ensure max-  
12 imum coordination and automation of the reporting  
13 of records or making records available to the Na-  
14 tional Instant Criminal Background Check System.

15 “(2) BENCHMARK REQUIREMENTS.—Each 4-  
16 year plan established under paragraph (1) shall in-  
17 clude annual benchmarks, including both qualitative  
18 goals and quantitative measures, to assess imple-  
19 mentation of the 4-year plan.

20 “(3) PENALTIES FOR NON-COMPLIANCE.—

21 “(A) IN GENERAL.—During the 4-year pe-  
22 riod covered by a 4-year plan established under  
23 paragraph (1), the Attorney General shall with-  
24 hold—

25 “(i) 10 percent of the amount that  
26 would otherwise be allocated to a State

1 under section 505 of title I of the Omnibus  
2 Crime Control and Safe Streets Act of  
3 1968 (42 U.S.C. 3755) if the State does  
4 not meet the benchmark established under  
5 paragraph (2) for the first year in the 4-  
6 year period;

7 “(ii) 11 percent of the amount that  
8 would otherwise be allocated to a State  
9 under section 505 of title I of the Omnibus  
10 Crime Control and Safe Streets Act of  
11 1968 (42 U.S.C. 3755) if the State does  
12 not meet the benchmark established under  
13 paragraph (2) for the second year in the 4-  
14 year period;

15 “(iii) 13 percent of the amount that  
16 would otherwise be allocated to a State  
17 under section 505 of title I of the Omnibus  
18 Crime Control and Safe Streets Act of  
19 1968 (42 U.S.C. 3755) if the State does  
20 not meet the benchmark established under  
21 paragraph (2) for the third year in the 4-  
22 year period; and

23 “(iv) 15 percent of the amount that  
24 would otherwise be allocated to a State  
25 under section 505 of title I of the Omnibus

1 Crime Control and Safe Streets Act of  
 2 1968 (42 U.S.C. 3755) if the State does  
 3 not meet the benchmark established under  
 4 paragraph (2) for the fourth year in the 4-  
 5 year period.

6 “(B) FAILURE TO ESTABLISH A PLAN.—A  
 7 State that fails to establish a plan under para-  
 8 graph (1) shall be treated as having not met  
 9 any benchmark established under paragraph  
 10 (2).”.

11 **SEC. 604. GRANTS TO STATES TO IMPROVE COORDINATION**  
 12 **AND AUTOMATION OF NICS RECORD REPORT-**  
 13 **ING.**

14 (a) IN GENERAL.—The NICS Improvement Amend-  
 15 ments Act of 2007 (18 U.S.C. 922 note) is amended—  
 16 (1) by striking section 103 and inserting the  
 17 following:

18 **“SEC. 103. GRANTS TO STATES FOR IMPROVEMENT OF CO-**  
 19 **ORDINATION AND AUTOMATION OF NICS**  
 20 **RECORD REPORTING.**

21 “(a) AUTHORIZATION.—From amounts made avail-  
 22 able to carry out this section, the Attorney General shall  
 23 make grants to States, Indian Tribal governments, and  
 24 State court systems, in a manner consistent with the Na-  
 25 tional Criminal History Improvement Program and con-

1 sistent with State plans for integration, automation, and  
2 accessibility of criminal history records, for use by the  
3 State, or units of local government of the State, Indian  
4 Tribal government, or State court system to improve the  
5 automation and transmittal of mental health records and  
6 criminal history dispositions, records relevant to deter-  
7 mining whether a person has been convicted of a mis-  
8 demeanor crime of domestic violence, court orders, and  
9 mental health adjudications or commitments to Federal  
10 and State record repositories in accordance with section  
11 102 and the National Criminal History Improvement Pro-  
12 gram.

13 “(b) USE OF GRANT AMOUNTS.—Grants awarded to  
14 States, Indian Tribal governments, or State court systems  
15 under this section may only be used to—

16 “(1) carry out, as necessary, assessments of the  
17 capabilities of the courts of the State or Indian Trib-  
18 al government for the automation and transmission  
19 of arrest and conviction records, court orders, and  
20 mental health adjudications or commitments to Fed-  
21 eral and State record repositories;

22 “(2) implement policies, systems, and proce-  
23 dures for the automation and transmission of arrest  
24 and conviction records, court orders, and mental



1 health adjudications or commitments to Federal and  
2 State record repositories;

3 “(3) create electronic systems that provide ac-  
4 curate and up-to-date information which is directly  
5 related to checks under the National Instant Crimi-  
6 nal Background Check System, including court dis-  
7 position and corrections records;

8 “(4) assist States or Indian Tribal governments  
9 in establishing or enhancing their own capacities to  
10 perform background checks using the National In-  
11 stant Criminal Background Check System; and

12 “(5) develop and maintain the relief from dis-  
13 abilities program in accordance with section 105.

14 “(c) ELIGIBILITY.—

15 “(1) IN GENERAL.—To be eligible for a grant  
16 under this section, a State, Indian Tribal govern-  
17 ment, or State court system shall certify, to the sat-  
18 isfaction of the Attorney General, that the State, In-  
19 dian Tribal government, or State court system—

20 “(A) is not prohibited by State law or  
21 court order from submitting mental health  
22 records to the National Instant Criminal Back-  
23 ground Check System; and

1           “(B) subject to paragraph (2), has imple-  
2           mented a relief from disabilities program in ac-  
3           cordance with section 105.

4           “(2) RELIEF FROM DISABILITIES PROGRAM.—  
5           For purposes of obtaining a grant under this sec-  
6           tion, a State, Indian Tribal government, or State  
7           court system shall not be required to meet the eligi-  
8           bility requirement described in paragraph (1)(B)  
9           until the date that is 2 years after the date of enact-  
10          ment of the Safer Communities Act of 2015.

11          “(d) FEDERAL SHARE.—

12           “(1) STUDIES, ASSESSMENTS, NON-MATERIAL  
13           ACTIVITIES.—The Federal share of a study, assess-  
14           ment, creation of a task force, or other non-material  
15           activity, as determined by the Attorney General, car-  
16           ried out with a grant under this section shall be not  
17           more than 25 percent.

18           “(2) INFRASTRUCTURE OR SYSTEM DEVELOP-  
19           MENT.—The Federal share of an activity involving  
20           infrastructure or system development, including  
21           labor-related costs, for the purpose of improving  
22           State or Indian Tribal government record reporting  
23           to the National Instant Criminal Background Check  
24           System carried out with a grant under this section

1       may amount to 100 percent of the cost of the activ-  
2       ity.

3       “(e) GRANTS TO INDIAN TRIBES.—Up to 5 percent  
4 of the grant funding available under this section may be  
5 reserved for Indian tribal governments for use by Indian  
6 tribal judicial systems.

7       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated to carry out this section  
9 \$100,000,000 for each of fiscal years 2016 through  
10 2019.”;

11               (2) by striking title III; and

12               (3) in section 401(b), by inserting after “of this  
13 Act” the following: “and 18 months after the date  
14 of enactment of the Safer Communities Act of  
15 2015”.

16       (b) TECHNICAL AND CONFORMING AMENDMENT.—  
17 The table of sections in section 1(b) of the NICS Improve-  
18 ment Amendments Act of 2007 (18 U.S.C. 922 note) is  
19 amended—

20               (1) by striking the item relating to section 103  
21 and inserting the following:

“Sec. 103. Grants to States for improvement of coordination and automation  
of NICS record reporting.”;

22               (2) by striking the item relating to title III; and

23               (3) by striking the item relating to section 301.

1 **SEC. 605. SHARING OF RECORDS BY FEDERAL DEPART-**  
2 **MENTS AND AGENCIES WITH NICS.**

3 Section 101(b) of the NICS Improvement Act of  
4 2007 (18 U.S.C. 922 note) is amended—

5 (1) in paragraph (2)—

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

8 (B) in subparagraph (C), by striking the  
9 period at the end and inserting “; and”; and

10 (C) by inserting at the end the following:

11 “(D) not later than 180 days after the  
12 date of the enactment of the Safer Communities  
13 Act of 2015, and annually thereafter, submit a  
14 report to Congress on the compliance of the  
15 heads of Federal departments and agencies  
16 with the requirements of paragraphs (1) and  
17 (3).”; and

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

19 “(3) OTHER FEDERAL DEPARTMENTS AND  
20 AGENCIES.—The head of each Federal department  
21 or agency in possession of records which are relevant  
22 to a determination of whether a person is disquali-  
23 fied from possessing or receiving a firearm under  
24 subsection (g) or (n) of section 922 of title 18,  
25 United States Code, shall make available to the At-  
26 torney General, such records, updated not less than

1       quarterly, for use in the background checks per-  
2       formed by the National Instant Criminal Back-  
3       ground Check System.”.

○