

Calendar No. 92

113TH CONGRESS
1ST SESSION

S. 162

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

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2013

Mr. FRANKEN (for himself, Mr. JOHANNES, Mr. LEAHY, Mr. GRAHAM, Mr. DURBIN, Ms. AYOTTE, Mr. COONS, Mr. HATCH, Mr. BLUNT, Ms. COLLINS, Mr. PORTMAN, Mrs. SHAHEEN, Mr. WYDEN, Mrs. GILLIBRAND, Mr. BROWN, Ms. WARREN, Mr. REED, Mr. SCHUMER, Mrs. BOXER, Mr. BEGICH, Mr. HELLER, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. SCHATZ, Mr. WHITEHOUSE, Mr. GRASSLEY, Mr. MORAN, Mr. ROBERTS, Mr. CRAPO, Mr. MURPHY, and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JUNE 20, 2013

Reported by Mr. LEAHY, with an amendment

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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Justice and Mental
3 Health Collaboration Act of 2013”.

4 **SEC. 2. ASSISTING VETERANS.**

5 (a) **REDESIGNATION.**—Section 2991 of the Omnibus
6 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
7 3797aa) is amended by redesignating subsection (i) as
8 subsection (l).

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

13 “(i) **ASSISTING VETERANS.**—

14 “(1) **DEFINITIONS.**—In this subsection:

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

23 “(B) **QUALIFIED VETERAN.**—The term
24 ‘qualified veteran’ means a preliminarily quali-
25 fied offender who—

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

5 “(ii) was discharged or released from
6 such service under conditions other than
7 dishonorable.

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

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

18 “(ii) a full continuum of treatment
19 services, including mental health services,
20 substance abuse services, medical services,
21 and services to address trauma;

22 “(iii) alternatives to incarceration;
23 and

24 “(iv) other appropriate services, in-
25 cluding housing, transportation, mentoring,

1 employment, job training, education, and
2 assistance in applying for and obtaining
3 available benefits.

4 ~~“(2) VETERANS ASSISTANCE PROGRAM.—~~

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

9 ~~“(i) veterans treatment court pro-~~
10 ~~grams;~~

11 ~~“(ii) peer to peer services or programs~~
12 ~~for qualified veterans;~~

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

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

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

4 “(i) demonstrate collaboration be-
5 tween and joint investments by criminal
6 justice, mental health, substance abuse,
7 and veterans service agencies;

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

11 “(iii) propose interventions with em-
12 pirical support to improve outcomes for
13 qualified veterans.”.

14 **SEC. 3. CORRECTIONAL FACILITIES.**

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

19 “(j) CORRECTIONAL FACILITIES.—

20 “(1) DEFINITIONS.—

21 “(A) CORRECTIONAL FACILITY.—The term
22 ‘correctional facility’ means a jail, prison, or
23 other detention facility used to house people
24 who have been arrested, detained, held, or con-
25 victed 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 sub-
15 stance abuse disorders.”.

16 **SEC. 4. HIGH UTILIZERS.**

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

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

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

1 “(A) manifests obvious signs of mental ill-
 2 ness or has been diagnosed by a qualified men-
 3 tal health professional as having a mental ill-
 4 ness; and

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

9 “(2) DEMONSTRATION GRANTS RESPONDING TO
 10 HIGH UTILIZERS.—

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

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

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

24 “(ii) to provide training on how to re-
 25 spond appropriately to the unique issues

1 involving high utilizers for public service
2 personnel, including criminal justice, men-
3 tal health, substance abuse, emergency
4 room, healthcare, law enforcement, correc-
5 tions, and housing personnel;

6 “(iii) to develop or support alter-
7 natives to hospital and jail admissions for
8 high utilizers that provide treatment, sta-
9 bilization, and other appropriate supports
10 in the least restrictive, yet appropriate, en-
11 vironment; or

12 “(iv) to develop protocols and systems
13 among law enforcement, mental health,
14 substance abuse, housing, corrections, and
15 emergency medical service operations to
16 provide coordinated assistance to high uti-
17 lizers.

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

23 “(i) measures the performance of the
24 grant recipient in reducing the use of pub-
25 lic services by high utilizers; and

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

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

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

9 (1) in paragraph (1), by adding at the end the
10 following:

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

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

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

1 **SEC. 6. EVIDENCE BASED PRACTICES.**

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

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

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

9 (3) by inserting after paragraph (3), the fol-
10 lowing:

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

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

17 **SEC. 7. SAFE COMMUNITIES.**

18 (a) IN GENERAL.—Section 2991(a) of the Omnibus
19 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
20 3797aa(a)) is amended—

21 (1) in paragraph (7)—

22 (A) in the heading, by striking “MENTAL
23 ILLNESS” and inserting “MENTAL ILLNESS;
24 MENTAL HEALTH DISORDER”; and

1 (B) by striking “term ‘mental illness’
 2 means” and inserting “terms ‘mental illness’
 3 and ‘mental health disorder’ mean”; and
 4 (2) by striking paragraph (9) and inserting the
 5 following:

6 ~~“(9) PRELIMINARILY QUALIFIED OFFENDER.—~~

7 ~~“(A) IN GENERAL.—The term ‘prelimi-~~
 8 ~~narily qualified offender’ means an adult or ju-~~
 9 ~~venile accused of an offense who—~~

10 ~~“(i)(I) previously or currently has~~
 11 ~~been diagnosed by a qualified mental~~
 12 ~~health professional as having a mental ill-~~
 13 ~~ness or co-occurring mental illness and~~
 14 ~~substance abuse disorders;~~

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

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

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

5 “(I) prosecuting attorney;

6 “(II) defense attorney;

7 “(III) probation or corrections
8 official;

9 “(IV) judge; and

10 “(V) a representative from the
11 relevant mental health agency de-
12 scribed in subsection (b)(5)(B)(i).

13 “(B) DETERMINATION.—In determining
14 whether to designate a defendant as a prelimi-
15 narily qualified offender, the relevant pros-
16 ecuting attorney, defense attorney, probation or
17 corrections official, judge, and mental health or
18 substance abuse agency representative shall
19 take into account—

20 “(i) whether the participation of the
21 defendant in the program would pose a
22 substantial risk of violence to the commu-
23 nity;

1 “(ii) the criminal history of the de-
2 fendant and the nature and severity of the
3 offense for which the defendant is charged;

4 “(iii) the views of any relevant victims
5 to the offense;

6 “(iv) the extent to which the defend-
7 ant would benefit from participation in the
8 program;

9 “(v) the extent to which the commu-
10 nity would realize cost savings because of
11 the defendant’s participation in the pro-
12 gram; and

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

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—
21 Section 2927(2) of the Omnibus Crime Control and Safe
22 Streets Act of 1968 (42 U.S.C. 3797s-6(2)) is amended
23 by striking “has the meaning given that term in section
24 2991(a).” and inserting “means an offense that—

1 “(A) does not have as an element the use,
2 attempted use, or threatened use of physical
3 force against the person or property of another;
4 or

5 “(B) is not a felony that by its nature in-
6 volves a substantial risk that physical force
7 against the person or property of another may
8 be used in the course of committing the of-
9 fense.”.

10 **SEC. 8. REAUTHORIZATION OF APPROPRIATIONS.**

11 Subsection (f) of section 2991 of the Omnibus Crime
12 Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa),
13 as redesignated in section 2(a), is amended—

14 (1) in paragraph (1)—

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

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

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

20 “(D) \$40,000,000 for each of fiscal years
21 2015 through 2019.”; and

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

23 “(3) LIMITATION.—Not more than 20 percent
24 of the funds authorized to be appropriated under

1 this section may be used for purposes described in
2 subsection (i) (relating to veterans).”

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.*
9 *3797aa)* is amended by redesignating subsection (i) as sub-
10 *section (n).*

11 (b) *ASSISTING VETERANS.*—Section 2991 of the Omni-
12 *bus Crime Control and Safe Streets Act of 1968 (42 U.S.C.*
13 *3797aa)* is amended by inserting after subsection (h) the
14 *following:*

15 “(i) *ASSISTING VETERANS.*—

16 “(1) *DEFINITIONS.*—In this subsection:

17 “(A) *PEER TO PEER SERVICES OR PRO-*
18 *GRAMS.*—The term ‘peer to peer services or pro-
19 *grams’* means services or programs that connect
20 *qualified veterans with other veterans for the*
21 *purpose of providing support and mentorship to*
22 *assist qualified veterans in obtaining treatment,*
23 *recovery, stabilization, or rehabilitation.*

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 pro-*
13 *gram’ means a court program involving collabo-*
14 *ration among criminal justice, veterans, and*
15 *mental health and substance abuse agencies that*
16 *provides qualified veterans with—*

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

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;*

1 “(iii) *alternatives to incarceration;*
2 *and*

3 “(iv) *other appropriate services, in-*
4 *cluding housing, transportation, mentoring,*
5 *employment, job training, education, and*
6 *assistance in applying for and obtaining*
7 *available benefits.*

8 “(2) *VETERANS ASSISTANCE PROGRAM.—*

9 “(A) *IN GENERAL.—The Attorney General,*
10 *in consultation with the Secretary of Veterans*
11 *Affairs, may award grants under this subsection*
12 *to applicants to establish or expand—*

13 “(i) *veterans treatment court pro-*
14 *grams;*

15 “(ii) *peer to peer services or programs*
16 *for qualified veterans;*

17 “(iii) *practices that identify and pro-*
18 *vide treatment, rehabilitation, legal, transi-*
19 *tional, and other appropriate services to*
20 *qualified veterans who have been incarcer-*
21 *ated; and*

22 “(iv) *training programs to teach*
23 *criminal justice, law enforcement, correc-*
24 *tions, mental health, and substance abuse*
25 *personnel how to identify and appropriately*

1 *respond to incidents involving qualified vet-*
 2 *erans.*

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

6 “*(i) demonstrate collaboration between*
 7 *and joint investments by criminal justice,*
 8 *mental health, substance abuse, and vet-*
 9 *erans service agencies;*

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

13 “*(iii) propose interventions with em-*
 14 *pirical support to improve outcomes for*
 15 *qualified veterans.”.*

16 **SEC. 3. CORRECTIONAL FACILITIES.**

17 *Section 2991 of the Omnibus Crime Control and Safe*
 18 *Streets Act of 1968 (42 U.S.C. 3797aa) is amended by in-*
 19 *serting after subsection (i), as so added by section 2, the*
 20 *following:*

21 “(j) *CORRECTIONAL FACILITIES.*—

22 “*(1) DEFINITIONS.*—

23 “*(A) CORRECTIONAL FACILITY.*—*The term*
 24 “*correctional facility*” *means a jail, prison, or*
 25 *other detention facility used to house people who*

1 *have been arrested, detained, held, or convicted*
2 *by a criminal justice agency or a court.*

3 “(B) *ELIGIBLE INMATE.*—*The term ‘eligible*
4 *inmate’ means an individual who—*

5 “(i) *is being held, detained, or incar-*
6 *cerated in a correctional facility; and*

7 “(ii) *manifests obvious signs of a men-*
8 *tal illness or has been diagnosed by a quali-*
9 *fied mental health professional as having a*
10 *mental illness.*

11 “(2) *CORRECTIONAL FACILITY GRANTS.*—*The At-*
12 *torney General may award grants to applicants to*
13 *enhance the capabilities of a correctional facility—*

14 “(A) *to identify and screen for eligible in-*
15 *mates;*

16 “(B) *to plan and provide—*

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

20 “(ii) *appropriate treatment and serv-*
21 *ices that address the mental health and sub-*
22 *stance abuse needs of inmates;*

23 “(C) *to develop, implement, and enhance—*

24 “(i) *post-release transition plans for el-*
25 *igible inmates that, in a comprehensive*

1 manner, coordinate health, housing, med-
 2 ical, employment, and other appropriate
 3 services and public benefits;

4 “(ii) the availability of mental health
 5 care services and substance abuse treatment
 6 services; and

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

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

17 **SEC. 4. HIGH UTILIZERS.**

18 Section 2991 of the Omnibus Crime Control and Safe
 19 Streets Act of 1968 (42 U.S.C. 3797aa) is amended by in-
 20 serting after subsection (j), as added by section 3, the fol-
 21 lowing:

22 “(k) **DEMONSTRATION GRANTS RESPONDING TO HIGH**
 23 **UTILIZERS.**—

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

1 “(A) manifests obvious signs of mental ill-
 2 ness or has been diagnosed by a qualified mental
 3 health professional as having a mental illness;
 4 and

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

9 “(2) DEMONSTRATION GRANTS RESPONDING TO
 10 HIGH UTILIZERS.—

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

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

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

24 “(ii) to provide training on how to re-
 25 spond appropriately to the unique issues in-

1 *volving high utilizers for public service per-*
2 *sonnel, including criminal justice, mental*
3 *health, substance abuse, emergency room,*
4 *healthcare, law enforcement, corrections,*
5 *and housing personnel;*

6 *“(iii) to develop or support alter-*
7 *natives to hospital and jail admissions for*
8 *high utilizers that provide treatment, sta-*
9 *bilization, and other appropriate supports*
10 *in the least restrictive, yet appropriate, en-*
11 *vironment; or*

12 *“(iv) to develop protocols and systems*
13 *among law enforcement, mental health, sub-*
14 *stance abuse, housing, corrections, and*
15 *emergency medical service operations to*
16 *provide coordinated assistance to high uti-*
17 *lizers.*

18 *“(C) REPORT.—Not later than the last day*
19 *of the first year following the fiscal year in*
20 *which a grant is awarded under this subsection,*
21 *the recipient of the grant shall submit to the At-*
22 *torney General a report that—*

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

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

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

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

9 (1) in paragraph (1), by adding at the end the
10 following:

11 “(F) ACADEMY TRAINING.—To provide sup-
12 port for academy curricula, law enforcement offi-
13 cer orientation programs, continuing education
14 training, and other programs that teach law en-
15 forcement personnel how to identify and respond
16 to incidents involving persons with mental
17 health disorders or co-occurring mental health
18 and substance abuse disorders.”; and

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

20 “(4) PRIORITY CONSIDERATION.—The Attorney
21 General, in awarding grants under this subsection,
22 shall give priority to programs that law enforcement
23 personnel and members of the mental health and sub-
24 stance abuse professions develop and administer coop-
25 eratively.”.

1 **SEC. 6. EVIDENCE BASED PRACTICES.**

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

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

7 *(2) by redesignating paragraph (4) as para-*
 8 *graph (6); and*

9 *(3) by inserting after paragraph (3), the fol-*
 10 *lowing:*

11 *“(4) propose interventions that have been shown*
 12 *by empirical evidence to reduce recidivism;*

13 *“(5) when appropriate, use validated assessment*
 14 *tools to target preliminarily qualified offenders with*
 15 *a moderate or high risk of recidivism and a need for*
 16 *treatment and services; or”.*

17 **SEC. 7. SAFE COMMUNITIES.**

18 *(a) IN GENERAL.—Section 2991(a) of the Omnibus*
 19 *Crime Control and Safe Streets Act of 1968 (42 U.S.C.*
 20 *3797aa(a)) is amended—*

21 *(1) in paragraph (7)—*

22 *(A) in the heading, by striking “MENTAL*
 23 *ILLNESS” and inserting “MENTAL ILLNESS;*
 24 *MENTAL HEALTH DISORDER”;* and

1 (B) by striking “term ‘mental illness’
2 means” and inserting “terms ‘mental illness’
3 and ‘mental health disorder’ mean”; and

4 (2) by striking paragraph (9) and inserting the
5 following:

6 “(9) *PRELIMINARILY QUALIFIED OFFENDER.*—

7 “(A) *IN GENERAL.*—The term ‘prelimi-
8 narily qualified offender’ means an adult or ju-
9 venile accused of an offense who—

10 “(i)(I) previously or currently has been
11 diagnosed by a qualified mental health pro-
12 fessional as having a mental illness or co-
13 occurring mental illness and substance
14 abuse disorders;

15 “(II) manifests obvious signs of mental
16 illness or co-occurring mental illness and
17 substance abuse disorders during arrest or
18 confinement or before any court; or

19 “(III) in the case of a veterans treat-
20 ment court provided under subsection (i),
21 has been diagnosed with, or manifests obvi-
22 ous signs of, mental illness or a substance
23 abuse disorder or co-occurring mental illness
24 and substance abuse disorder; and

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

5 “(I) prosecuting attorney;

6 “(II) defense attorney;

7 “(III) probation or corrections of-
8 ficial;

9 “(IV) judge; and

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

13 “(B) DETERMINATION.—In determining
14 whether to designate a defendant as a prelimi-
15 narily qualified offender, the relevant pros-
16 ecuting attorney, defense attorney, probation or
17 corrections official, judge, and mental health or
18 substance abuse agency representative shall take
19 into account—

20 “(i) whether the participation of the
21 defendant in the program would pose a sub-
22 stantial risk of violence to the community;

23 “(ii) the criminal history of the defend-
24 ant and the nature and severity of the of-
25 fense for which the defendant is charged;

1 “(iii) the views of any relevant victims
2 to the offense;

3 “(iv) the extent to which the defendant
4 would benefit from participation in the pro-
5 gram;

6 “(v) the extent to which the community
7 would realize cost savings because of the de-
8 fendant’s participation in the program; and

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

16 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—Sec-
17 tion 2927(2) of the Omnibus Crime Control and Safe
18 Streets Act of 1968 (42 U.S.C. 3797s-6(2)) is amended by
19 striking “has the meaning given that term in section
20 2991(a).” and inserting “means an offense that—

21 “(A) does not have as an element the use,
22 attempted use, or threatened use of physical force
23 against the person or property of another; 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 be*
2 *used in the course of committing the offense.”.*

3 **SEC. 8. GRANT ACCOUNTABILITY.**

4 *Section 2991 of the Omnibus Crime Control and Safe*
5 *Streets Act of 1968 (42 U.S.C. 3797aa) is amended by in-*
6 *serting after subsection (k), as so added by section 4, the*
7 *following:*

8 “(l) *ACCOUNTABILITY.*—*All grants awarded by the At-*
9 *torney General under this section shall be subject to the fol-*
10 *lowing accountability provisions:*

11 “(1) *AUDIT REQUIREMENT.*—

12 “(A) *DEFINITION.*—*In this paragraph, the*
13 *term ‘unresolved audit finding’ means a finding*
14 *in the final audit report of the Inspector General*
15 *of the Department of Justice that the audited*
16 *grantee has utilized grant funds for an unau-*
17 *thorized expenditure or otherwise unallowable*
18 *cost that is not closed or resolved within 12*
19 *months from the date when the final audit report*
20 *is issued.*

21 “(B) *AUDITS.*—*Beginning in the first fiscal*
22 *year beginning after the date of enactment of*
23 *this subsection, and in each fiscal year there-*
24 *after, the Inspector General of the Department of*
25 *Justice shall conduct audits of recipients of*

1 *grants under this section to prevent waste, fraud,*
2 *and abuse of funds by grantees. The Inspector*
3 *General shall determine the appropriate number*
4 *of grantees to be audited each year.*

5 “(C) *MANDATORY EXCLUSION.*—*A recipient*
6 *of grant funds under this section that is found*
7 *to have an unresolved audit finding shall not be*
8 *eligible to receive grant funds under this section*
9 *during the first 2 fiscal years beginning after the*
10 *end of the 12-month period described in subpara-*
11 *graph (A).*

12 “(D) *PRIORITY.*—*In awarding grants under*
13 *this section, the Attorney General shall give pri-*
14 *ority to eligible applicants that did not have an*
15 *unresolved audit finding during the 3 fiscal*
16 *years before submitting an application for a*
17 *grant under this section.*

18 “(E) *REIMBURSEMENT.*—*If an entity is*
19 *awarded grant funds under this section during*
20 *the 2-fiscal-year period during which the entity*
21 *is barred from receiving grants under subpara-*
22 *graph (C), the Attorney General shall—*

23 “(i) *deposit an amount equal to the*
24 *amount of the grant funds that were im-*

1 *properly awarded to the grantee into the*
2 *General Fund of the Treasury; and*

3 “(ii) *seek to recoup the costs of the re-*
4 *payment to the fund from the grant recipi-*
5 *ent that was erroneously awarded grant*
6 *funds.*

7 “(2) *NONPROFIT ORGANIZATION REQUIRE-*
8 *MENTS.—*

9 “(A) *DEFINITION.—For purposes of this*
10 *paragraph and the grant programs under this*
11 *part, the term ‘nonprofit organization’ means an*
12 *organization that is described in section*
13 *501(c)(3) of the Internal Revenue Code of 1986*
14 *and is exempt from taxation under section*
15 *501(a) of such Code.*

16 “(B) *PROHIBITION.—The Attorney General*
17 *may not award a grant under this part to a*
18 *nonprofit organization that holds money in off-*
19 *shore accounts for the purpose of avoiding pay-*
20 *ing the tax described in section 511(a) of the In-*
21 *ternal Revenue Code of 1986.*

22 “(C) *DISCLOSURE.—Each nonprofit organi-*
23 *zation that is awarded a grant under this section*
24 *and uses the procedures prescribed in regulations*
25 *to create a rebuttable presumption of reasonable-*

1 *ness for the compensation of its officers, direc-*
2 *tors, trustees, and key employees, shall disclose to*
3 *the Attorney General, in the application for the*
4 *grant, the process for determining such com-*
5 *penetration, including the independent persons in-*
6 *olved in reviewing and approving such com-*
7 *penetration, the comparability data used, and con-*
8 *temporaneous substantiation of the deliberation*
9 *and decision. Upon request, the Attorney General*
10 *shall make the information disclosed under this*
11 *subparagraph available for public inspection.*

12 “(3) *CONFERENCE EXPENDITURES.—*

13 “(A) *LIMITATION.—No amounts made*
14 *available to the Department of Justice under this*
15 *section may be used by the Attorney General, or*
16 *by any individual or entity awarded discre-*
17 *tionary funds through a cooperative agreement*
18 *under this section, to host or support any ex-*
19 *penditure for conferences that uses more than*
20 *\$20,000 in funds made available by the Depart-*
21 *ment of Justice, unless the head of the relevant*
22 *agency or department, provides prior written*
23 *authorization that the funds may be expended to*
24 *host the conference.*

1 “(B) *WRITTEN APPROVAL.*—Written ap-
2 proval under subparagraph (A) shall include a
3 written estimate of all costs associated with the
4 conference, including the cost of all food, bev-
5 erages, audio-visual equipment, honoraria for
6 speakers, and entertainment.

7 “(C) *REPORT.*—The Deputy Attorney Gen-
8 eral shall submit an annual report to the Com-
9 mittee on the Judiciary of the Senate and the
10 Committee on the Judiciary of the House of Rep-
11 resentatives on all conference expenditures ap-
12 proved under this paragraph.

13 “(4) *ANNUAL CERTIFICATION.*—Beginning in the
14 first fiscal year beginning after the date of enactment
15 of this subsection, the Attorney General shall submit,
16 to the Committee on the Judiciary and the Committee
17 on Appropriations of the Senate and the Committee
18 on the Judiciary and the Committee on Appropria-
19 tions of the House of Representatives, an annual cer-
20 tification—

21 “(A) indicating whether—

22 “(i) all audits issued by the Office of
23 the Inspector General under paragraph (1)
24 have been completed and reviewed by the

1 *appropriate Assistant Attorney General or*
2 *Director;*

3 “(ii) *all mandatory exclusions required*
4 *under paragraph (1)(C) have been issued;*
5 *and*

6 “(iii) *all reimbursements required*
7 *under paragraph (1)(E) have been made;*
8 *and*

9 “(B) *that includes a list of any grant re-*
10 *cipients excluded under paragraph (1) from the*
11 *previous year.*

12 “(m) *PREVENTING DUPLICATIVE GRANTS.—*

13 “(1) *IN GENERAL.—Before the Attorney General*
14 *awards a grant to an applicant under this section,*
15 *the Attorney General shall compare potential grant*
16 *awards with other grants awarded under this Act to*
17 *determine if duplicate grant awards are awarded for*
18 *the same purpose.*

19 “(2) *REPORT.—If the Attorney General awards*
20 *duplicate grants to the same applicant for the same*
21 *purpose the Attorney General shall submit to the*
22 *Committee on the Judiciary of the Senate and the*
23 *Committee on the Judiciary of the House of Rep-*
24 *resentatives a report that includes—*

1 “(A) a list of all duplicate grants awarded,
2 including the total dollar amount of any dupli-
3 cate grants awarded; and

4 “(B) the reason the Attorney General
5 awarded the duplicate grants.”.

6 **SEC. 9. REAUTHORIZATION OF APPROPRIATIONS.**

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

10 (1) in paragraph (1)—

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

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

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

16 “(D) \$40,000,000 for each of fiscal years
17 2015 through 2019.”; and

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

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

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113TH CONGRESS
1ST Session

S. 162

A BILL

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

JUNE 20, 2013

Reported with an amendment