

110TH CONGRESS
2^D SESSION

H. R. 3992

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2008

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Mentally Ill Offender Treatment and Crime Reduction
4 Reauthorization and Improvement Act of 2008”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Reauthorization of the Adult and Juvenile Collaboration Program Grants.
- Sec. 4. Law enforcement response to mentally ill offenders improvement grants.
- Sec. 5. Effective treatment of female offenders with mental illnesses.
- Sec. 6. Grants to expand capabilities and effectiveness of correctional agency identification and treatment plans for mentally ill offenders.
- Sec. 7. Statewide planning grants to improve treatment of mentally ill offenders.
- Sec. 8. Improving the mental health courts grant program.
- Sec. 9. Study and report on prevalence of mentally ill offenders.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) Communities nationwide are struggling to
10 respond to the high numbers of people with mental
11 illnesses involved at all points in the criminal justice
12 system.

13 (2) A 1999 study by the Department of Justice
14 estimated that 16 percent of people incarcerated in
15 prisons and jails in the United States, which is more
16 than 300,000 people, suffer from mental illnesses.

17 (3) Rates of mental illness among women in jail
18 are almost twice that of men.

19 (4) Los Angeles County Jail and New York’s
20 Rikers Island jail complex hold more people with

1 mental illnesses than the largest psychiatric inpa-
2 tient facilities in the United States.

3 (5) State prisoners with a mental health prob-
4 lem are twice as likely as those without a mental
5 health problem to have been homeless in the year be-
6 fore their arrest.

7 (6) Reentry planning for inmates with mental
8 illnesses is the least frequently endorsed mental
9 health service by jail administrators.

10 **SEC. 3. REAUTHORIZATION OF THE ADULT AND JUVENILE**
11 **COLLABORATION PROGRAM GRANTS.**

12 (a) AUTHORIZATION OF APPROPRIATIONS THROUGH
13 2014.—Section 2991(h) of title I of the Omnibus Crime
14 Control and Safe Streets Act of 1968 is amended—

15 (1) in paragraph (1), by striking “and”;

16 (2) in paragraph (2), by striking “for fiscal
17 years 2006 through 2009.” and inserting “for each
18 of the fiscal years 2006 through 2007; and”;

19 (3) by adding at the end the following new
20 paragraph:

21 “(3) \$75,000,000 for each of the fiscal years
22 2008 through 2014.”.

23 (b) ALLOCATION OF FUNDING FOR ADMINISTRATIVE
24 PURPOSES.—Section 2991(h) of such title is further
25 amended—

1 (1) by redesignating paragraphs (1), (2), and
2 (3) (as added by subsection (a)(3)) as subpara-
3 graphs (A), (B), and (C), respectively;

4 (2) by striking “There are authorized” and in-
5 serting “(1) IN GENERAL.—There are authorized”;
6 and

7 (3) by adding at the end the following new
8 paragraph:

9 “(2) ALLOCATION OF FUNDING FOR ADMINISTRA-
10 TIVE PURPOSES.—For fiscal year 2008 and each subse-
11 quent fiscal year, of the amounts authorized under para-
12 graph (1) for such fiscal year, the Attorney General may
13 obligate not more than 3 percent for the administrative
14 expenses of the Attorney General in carrying out this sec-
15 tion for such fiscal year.”.

16 (c) NO MINIMUM ALLOCATION.—Section 2991 of
17 such title is further amended by striking subsection (g)
18 and redesignating subsection (h) as subsection (g).

19 (d) ADDITIONAL APPLICATIONS RECEIVING PRI-
20 ORITY.—Subsection (c) of such section is amended to read
21 as follows:

22 “(c) PRIORITY.—The Attorney General, in awarding
23 funds under this section, shall give priority to applications
24 that—

1 “(1) promote effective strategies by law enforce-
2 ment to identify and to reduce risk of harm to men-
3 tally ill offenders and public safety;

4 “(2) promote effective strategies for identifica-
5 tion and treatment of female mentally ill offenders;
6 or

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

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

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

19 “(D) have the support of both the Attorney
20 General and the Secretary.”.

21 **SEC. 4. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL**
22 **OFFENDERS IMPROVEMENT GRANTS.**

23 (a) IN GENERAL.—Part HHH of title I of the Omnibus
24 Crime Control and Safe Streets Act of 1968 is further
25 amended by adding at the end the following new section:

1 **“SEC. 2992. LAW ENFORCEMENT RESPONSE TO MENTALLY**
2 **ILL OFFENDERS IMPROVEMENT GRANTS.**

3 “(a) **AUTHORIZATION.**—The Attorney General is au-
4 thorized to make grants to States, units of local govern-
5 ment, Indian tribes, and tribal organizations for the fol-
6 lowing purposes:

7 “(1) **TRAINING PROGRAMS.**—To provide for
8 programs that offer law enforcement personnel spe-
9 cialized and comprehensive training in procedures to
10 identify and respond appropriately to incidents in
11 which the unique needs of individuals with mental
12 illnesses are involved.

13 “(2) **RECEIVING CENTERS.**—To provide for the
14 development of specialized receiving centers to assess
15 individuals in the custody of law enforcement per-
16 sonnel for mental health and substance abuse treat-
17 ment needs.

18 “(3) **IMPROVED TECHNOLOGY.**—To provide for
19 computerized information systems (or to improve ex-
20 isting systems) to provide timely information to law
21 enforcement personnel and criminal justice system
22 personnel to improve the response of such respective
23 personnel to mentally ill offenders.

24 “(4) **COOPERATIVE PROGRAMS.**—To provide for
25 the establishment and expansion of cooperative ef-
26 forts by criminal and juvenile justice agencies and

1 mental health agencies to promote public safety
2 through the use of effective interventions with re-
3 spect to mentally ill offenders.

4 “(5) CAMPUS SECURITY PERSONNEL TRAIN-
5 ING.—To provide for programs that offer campus se-
6 curity personnel training in procedures to identify
7 and respond appropriately to incidents in which the
8 unique needs of individuals with mental illnesses are
9 involved.

10 “(b) BJA TRAINING MODELS.—For purposes of sub-
11 section (a)(1), the Director of the Bureau of Justice As-
12 sistance shall develop training models for training law en-
13 forcement personnel in procedures to identify and respond
14 appropriately to incidents in which the unique needs of
15 individuals with mental illnesses are involved.

16 “(c) MATCHING FUNDS.—The Federal share of funds
17 for a program funded by a grant received under this sec-
18 tion may not exceed 75 percent of the costs of the program
19 unless the Attorney General waives, wholly or in part, such
20 funding limitation. The non-Federal share of payments
21 made for such a program may be made in cash or in-kind,
22 fairly evaluated, including planned equipment or services.

23 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to the Department of

1 Justice to carry out this section \$10,000,000 for each of
 2 the fiscal years 2008 through 2014.”.

3 (b) CONFORMING AMENDMENT.—Such part is fur-
 4 ther amended by amending the part heading to read as
 5 follows:

6 **“PART HH—GRANTS TO IMPROVE TREATMENT**
 7 **OF OFFENDERS WITH MENTAL ILLNESSES”.**

8 **SEC. 5. EFFECTIVE TREATMENT OF FEMALE OFFENDERS**
 9 **WITH MENTAL ILLNESSES.**

10 Part HH of title I of the Omnibus Crime Control and
 11 Safe Streets Act of 1968, as amended by section 4, is fur-
 12 ther amended by adding at the end the following new sec-
 13 tion:

14 **“SEC. 2993. GRANTS FOR THE EFFECTIVE TREATMENT OF**
 15 **FEMALE OFFENDERS WITH MENTAL ILL-**
 16 **NESSES.**

17 “(a) AUTHORIZATION.—The Attorney General is au-
 18 thorized to make grants to States, units of local govern-
 19 ment, Indian tribes, and tribal organizations to provide
 20 any of the following services, with respect to a female of-
 21 fender with a mental illness:

22 “(1) Mental health treatment.

23 “(2) Intensive case management services that
 24 are coordinated and designed to provide the range of
 25 services needed to address treatment or assistance

1 needs of the offender, with respect to any criminal
2 behavior, substance abuse, psychological abuse,
3 physical abuse, housing, employment, and medical
4 needs.

5 “(3) In the case that the offender has a child,
6 family support services needed to ensure the mainte-
7 nance of a relationship between the offender and
8 such child.

9 “(4) Related mental health services for any
10 children of the offender, as needed.

11 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Department of
13 Justice to carry out this section \$5,000,000 for each of
14 the fiscal years 2008 through 2014.”.

15 **SEC. 6. GRANTS TO EXPAND CAPABILITIES AND EFFEC-**
16 **TIVENESS OF CORRECTIONAL AGENCY IDEN-**
17 **TIFICATION AND TREATMENT PLANS FOR**
18 **MENTALLY ILL OFFENDERS.**

19 Part HH of title I of the Omnibus Crime Control and
20 Safe Streets Act of 1968, as amended by sections 4 and
21 5, is further amended by adding at the end the following
22 new section:

1 **“SEC. 2994. GRANTS TO EXPAND CAPABILITIES AND EFFEC-**
2 **TIVENESS OF CORRECTIONAL FACILITY**
3 **IDENTIFICATION AND TREATMENT PLANS**
4 **FOR MENTALLY ILL OFFENDERS.**

5 “(a) **AUTHORIZATION.**—The Attorney General is au-
6 thorized to make grants to States, units of local govern-
7 ment, Indian tribes, and tribal organizations in accordance
8 with this section for any of the following purposes:

9 “(1) To provide correctional facilities within the
10 respective jurisdiction with the capacity (or improved
11 capacity), with respect to inmates of such facilities
12 who have mental illnesses, to—

13 “(A) assess the clinical and social needs of
14 such inmates and the extent to which such in-
15 mates pose any public safety risks to the com-
16 munity;

17 “(B) plan for and provide treatment and
18 services to address the unique needs of such in-
19 mates;

20 “(C) identify and coordinate with commu-
21 nity and correctional programs responsible for
22 post-release services; and

23 “(D) coordinate the transition plans for
24 such inmates to ensure the implementation of
25 such plans and to avoid gaps in care with com-
26 munity-based services.

1 “(2) To provide for the standardization of
2 screening and assessment practices to identify in-
3 mates with mental illnesses.

4 “(3) To provide for local task forces to identify
5 essential community services for inmates with men-
6 tal illnesses upon the reentry of such inmates into
7 the community.

8 “(4) To coordinate planning for the transition
9 of inmates with mental illnesses who are released
10 from correctional facilities and reenter the commu-
11 nity.

12 “(5) To provide for housing options for individ-
13 uals with mental illnesses who reenter the commu-
14 nity that provide support for the unique needs of
15 such individuals.

16 “(6) To continue and improve—

17 “(A) mental health programs provided at
18 correctional facilities within the respective juris-
19 diction; or

20 “(B) alternative programs to incarceration
21 for individuals with mental illnesses.

22 “(7) To support the development of community
23 crisis services that are for individuals who are at
24 risk of arrest or incarceration and which are de-
25 signed to prevent or mitigate a crisis by assessing

1 the individual and crisis involved, providing sup-
2 portive counseling to the individual, and referring
3 the individual to appropriate community services to
4 stabilize the individual's condition and prevent arrest
5 or incarceration, respectively.

6 “(8) To support forensic assertive community
7 treatment teams for individuals with serious mental
8 illnesses (as defined for purposes of title V of the
9 Public Health Service Act) who reenter prison.

10 “(9) To provide for integrated mental health
11 treatment and substance abuse treatment.

12 “(10)(A) To designate staff to assist inmates of
13 correctional facilities within the respective jurisdic-
14 tion, in—

15 “(i) identifying benefits for which they
16 may be eligible; and

17 “(ii) collecting necessary supporting mate-
18 rials (including medical records) and making
19 applications for income support, health care,
20 food stamps, veterans' benefits, TANF, or other
21 benefit programs.

22 “(B) To contract with local community mental
23 health entities to perform the activities described in
24 clauses (i) and (ii) of subparagraph (A).

1 “(11) To work with the necessary agencies and
2 entities for transition planning for such inmates re-
3 entering the community, including any needed appli-
4 cations and paperwork.

5 “(12) To assist such inmates to obtain, or if
6 necessary create and prepare, photo identification
7 documents for use upon release.

8 “(13) To create links with local community
9 mental health providers for case management serv-
10 ices for inmates prior to their release from a correc-
11 tional facility in order to link them with housing,
12 employment, and other key services and benefits.

13 “(b) REQUIREMENTS FOR APPLICATION.—To be eli-
14 gible to receive a grant under subsection (a) for a given
15 fiscal year, an entity described in such subsection shall
16 submit to the Attorney General an application in such
17 form and manner and at such time as specified by the
18 Attorney General. In addition to any other information
19 specified by the Attorney General, such application shall
20 contain the following information:

21 “(1) The number and percentage of offenders
22 in prisons, jails, and juvenile facilities during the
23 previous year—

24 “(A) who were in the custody of the jurisdic-
25 tion involved;

1 “(B) who required mental health treat-
2 ment; and

3 “(C) for whom the prison, jail, or juvenile
4 facility involved provided such treatment.

5 “(2) A good faith estimate of the number and
6 percentage of offenders in prisons, jails, and juvenile
7 facilities who are predicted to meet the criteria de-
8 scribed in each of subparagraphs (A), (B), and (C)
9 of paragraph (1) during such year, if the entity re-
10 ceives such grant for such year.

11 “(c) ALLOCATION OF GRANT AMOUNTS BASED ON
12 MENTAL HEALTH TREATMENT PERCENT DEM-
13 ONSTRATED.—In allocating grant amounts under this sec-
14 tion, the Attorney General shall base the amount allocated
15 to an entity for a fiscal year on the percent of offenders
16 described in subsection (b) to whom the entity provided
17 mental health treatment in the previous fiscal year, as
18 demonstrated by the entity in its application under such
19 subsection.

20 “(d) TECHNICAL ASSISTANCE.—The Attorney Gen-
21 eral may provide technical assistance to any entity award-
22 ed a grant under this section to establish or expand mental
23 health treatment services under this section if such entity
24 does not have any (or has only a few) prisons, jails, or
25 juvenile facilities that offer such services.

1 “(e) REPORTS.—An entity that receives a grant
 2 under subsection (a) during a fiscal year shall, not later
 3 than the last day of the following fiscal year, submit to
 4 the Attorney General a report that describes and assesses
 5 the uses of such grant.

6 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 7 are authorized to be appropriated to the Department of
 8 Justice to carry out this section \$10,000,000 for each of
 9 the fiscal years 2008 through 2014.”.

10 **SEC. 7. STATEWIDE PLANNING GRANTS TO IMPROVE**
 11 **TREATMENT OF MENTALLY ILL OFFENDERS.**

12 Part HH of title I of the Omnibus Crime Control and
 13 Safe Streets Act of 1968, as amended by sections 4, 5,
 14 and 6, is further amended by adding at the end the fol-
 15 lowing new section:

16 **“SEC. 2995. PLANNING GRANTS TO IMPROVE TREATMENT**
 17 **OF MENTALLY ILL OFFENDERS.**

18 “(a) AUTHORIZATION.—The Attorney General is au-
 19 thorized to carry out a grant program under which the
 20 Attorney General makes grants to States, units of local
 21 government, territories, and Indian tribes for the following
 22 purposes, with respect to the treatment of offenders with
 23 mental illnesses:

24 “(1) To facilitate the coordination of treatment
 25 and services provided for such offenders by the State

1 and other units of government located within the
2 State (including local, territorial, and tribal).

3 “(2) To provide for a State administrator (or
4 other appropriate jurisdictional administrator) to co-
5 ordinate such treatment and services provided within
6 the State (or other jurisdiction).

7 “(3) To develop a comprehensive plan for the
8 provision of such treatment and services to such of-
9 fenders within such State.

10 “(4) To establish a coordinating center, with re-
11 spect to a State, to—

12 “(A) facilitate the sharing of information
13 related to such treatment and services for such
14 offenders among the jurisdictions located in
15 such State; and

16 “(B) promote evidence-based practices for
17 purposes of providing such treatment and serv-
18 ices.

19 “(b) APPLICATION.—

20 “(1) IN GENERAL.—To be eligible to receive a
21 grant under this section, an entity described in sub-
22 section (a) shall submit to the Attorney General an
23 application, in such form and manner and at such
24 time as specified by the Attorney General, which
25 shall include a proposal that describes how—

1 “(A) the grant will be used to fund mental
2 health treatment and services for jail and pris-
3 on populations that are identified as savings
4 populations for such entity; and

5 “(B) any savings accruing to the State or
6 other applicable jurisdiction from providing
7 such population with such treatment and serv-
8 ices would be used to increase the availability
9 and accessibility of community-based mental
10 health services.

11 “(2) SAVINGS POPULATION.—For purposes of
12 paragraph (1), the term ‘savings population’ means
13 a population that, if in receipt of mental health
14 treatment and services for jail and prison popu-
15 lations, would potentially generate savings to the
16 State or other applicable jurisdiction.

17 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated \$10,000,000 to carry
19 out this section for each of the fiscal years 2008 through
20 2013.”.

21 **SEC. 8. IMPROVING THE MENTAL HEALTH COURTS GRANT**
22 **PROGRAM.**

23 (a) REAUTHORIZATION OF THE MENTAL HEALTH
24 COURTS GRANT PROGRAM.—Section 1001(a)(20) of title
25 I of the Omnibus Crime Control and Safe Streets Act of

1 1968 (42 U.S.C. 3793(a)(20)) is amended by striking
2 “fiscal years 2001 through 2004” and inserting “fiscal
3 years 2008 through 2014”.

4 (b) ADDITIONAL GRANT USES AUTHORIZED.—Sec-
5 tion 2201 of such title (42 U.S.C. 3796ii) is amended—

6 (1) in paragraph (1) at the end, by striking
7 “and”;

8 (2) in paragraph (2) at the end, by striking the
9 period and inserting a semicolon; and

10 (3) by adding at the end the following new
11 paragraphs:

12 “(3) pretrial services and related treatment pro-
13 grams for offenders with mental illnesses; and

14 “(4) developing, implementing, or expanding
15 programs that are alternatives to incarceration for
16 offenders with mental illnesses.”.

17 **SEC. 9. STUDY AND REPORT ON PREVALENCE OF MEN-**
18 **TALLY ILL OFFENDERS.**

19 (a) STUDY.—The Attorney General shall provide for
20 a study of the following:

21 (1) The rate of occurrence of serious mental ill-
22 nesses in each of the following populations:

23 (A) Individuals, including juveniles, on
24 probation.

1 (B) Individuals, including juveniles, incar-
2 cerated in a jail.

3 (C) Individuals, including juveniles, incar-
4 cerated in a prison.

5 (D) Individuals, including juveniles, on pa-
6 role.

7 (2) For each population described in paragraph
8 (1), the percentage of individuals with serious men-
9 tal illnesses who, at the time of the arrest, are eligi-
10 ble to receive supplemental security income benefits,
11 social security disability insurance benefits, or med-
12 ical assistance under a State plan for medical assist-
13 ance under title XIX of the Social Security Act.

14 (3) For each such population, with respect to a
15 year, the percentage of individuals with serious men-
16 tal illnesses who—

17 (A) were homeless (as defined in section
18 103 of the McKinney-Vento Homeless Assist-
19 ance Act (42 U.S.C. 11302)) at the time of ar-
20 rest; and

21 (B) were homeless (as so defined) during
22 any period in the previous year.

23 (b) REPORT.—Not later than 18 months after the
24 date of the enactment of this Act, the Attorney General

