

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2304

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## 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. Examination 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) Los Angeles County Jail and New York’s  
18 Rikers Island jail complex hold more people with  
19 mental illnesses than the largest psychiatric inpa-  
20 tient facilities in the United States.

21 (4) State prisoners with a mental health prob-  
22 lem are twice as likely as those without a mental

1 health problem to have been homeless in the year be-  
2 fore their arrest.

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

5 (a) AUTHORIZATION OF APPROPRIATIONS THROUGH  
6 2014.—Section 2991(h) of title I of the Omnibus Crime  
7 Control and Safe Streets Act of 1968 (42 U.S.C.  
8 3797aa(h)) is amended—

9 (1) in paragraph (1), by striking at the end  
10 “and”;

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

14 (3) by adding at the end the following new  
15 paragraph:

16 “(3) \$50,000,000 for each of the fiscal years  
17 2009 through 2014.”.

18 (b) ALLOCATION OF FUNDING FOR ADMINISTRATIVE  
19 PURPOSES.—Section 2991(h) of such title is further  
20 amended—

21 (1) by redesignating paragraphs (1), (2), and  
22 (3) (as added by subsection (a)(3)) as subpara-  
23 graphs (A), (B), and (C), respectively, and adjusting  
24 the margins accordingly;

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

4           (3) by adding at the end the following new  
5           paragraph:

6           “(2) ALLOCATION OF FUNDING FOR ADMINISTRA-  
7           TIVE PURPOSES.—For fiscal year 2009 and each subse-  
8           quent fiscal year, of the amounts authorized under para-  
9           graph (1) for such fiscal year, the Attorney General may  
10          obligate not more than 3 percent for the administrative  
11          expenses of the Attorney General in carrying out this sec-  
12          tion for such fiscal year.”.

13          (c) ADDITIONAL APPLICATIONS RECEIVING PRI-  
14          ORITY.—Subsection (c) of such section is amended to read  
15          as follows:

16          “(c) PRIORITY.—The Attorney General, in awarding  
17          funds under this section, shall give priority to applications  
18          that—

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

22                 “(2) promote effective strategies for identifica-  
23                 tion and treatment of female mentally ill offenders;

24                 “(3) promote effective strategies to expand the  
25                 use of mental health courts, including the use of pre-

1 trial services and related treatment programs for of-  
2 fenders; or

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

6 “(B) demonstrate the active participation of  
7 each co-applicant in the administration of the col-  
8 laboration program;

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

15 “(D) have the support of both the Attorney  
16 General and the Secretary.”.

17 **SEC. 4. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL**  
18 **OFFENDERS IMPROVEMENT GRANTS.**

19 Section 2991 of title I of the Omnibus Crime Control  
20 and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is  
21 amended by—

22 (1) redesignating subsection (h) as subsection  
23 (i); and

24 (2) inserting after subsection (g) the following:

1       “(h) LAW ENFORCEMENT RESPONSE TO MENTALLY  
2 ILL OFFENDERS IMPROVEMENT GRANTS.—

3           “(1) AUTHORIZATION.—The Attorney General  
4 is authorized to make grants under this section to  
5 States, units of local government, Indian tribes, and  
6 tribal organizations for the following purposes:

7           “(A) TRAINING PROGRAMS.—To provide  
8 for programs that offer law enforcement per-  
9 sonnel specialized and comprehensive training  
10 in procedures to identify and respond appro-  
11 priately to incidents in which the unique needs  
12 of individuals with mental illnesses are involved.

13           “(B) RECEIVING CENTERS.—To provide  
14 for the development of specialized receiving cen-  
15 ters to assess individuals in the custody of law  
16 enforcement personnel for suicide risk and men-  
17 tal health and substance abuse treatment needs.

18           “(C) IMPROVED TECHNOLOGY.—To pro-  
19 vide for computerized information systems (or  
20 to improve existing systems) to provide timely  
21 information to law enforcement personnel and  
22 criminal justice system personnel to improve the  
23 response of such respective personnel to men-  
24 tally ill offenders.

1           “(D) COOPERATIVE PROGRAMS.—To pro-  
2           vide for the establishment and expansion of co-  
3           operative efforts by criminal and juvenile justice  
4           agencies and mental health agencies to promote  
5           public safety through the use of effective inter-  
6           vention with respect to mentally ill offenders.

7           “(E) CAMPUS SECURITY PERSONNEL  
8           TRAINING.—To provide for programs that offer  
9           campus security personnel training in proce-  
10          dures to identify and respond appropriately to  
11          incidents in which the unique needs of individ-  
12          uals with mental illnesses are involved.

13          “(2) BJA TRAINING MODELS.—For purposes of  
14          paragraph (1)(A), the Director of the Bureau of  
15          Justice Assistance shall develop training models for  
16          training law enforcement personnel in procedures to  
17          identify and respond appropriately to incidents in  
18          which the unique needs of individuals with mental  
19          illnesses are involved, including suicide prevention.

20          “(3) MATCHING FUNDS.—The Federal share of  
21          funds for a program funded by a grant received  
22          under this subsection may not exceed 50 percent of  
23          the costs of the program. The non-Federal share of  
24          payments made for such a program may be made in

1 cash or in-kind fairly evaluated, including planned  
2 equipment or services.”.

3 **SEC. 5. EXAMINATION AND REPORT ON PREVALENCE OF**  
4 **MENTALLY ILL OFFENDERS.**

5 (a) IN GENERAL.—

6 (1) IN GENERAL.—The Attorney General shall  
7 examine and report on mental illness and the crimi-  
8 nal justice system.

9 (2) SCOPE.—Congress encourages the Attorney  
10 General to specifically examine the following:

11 (A) POPULATIONS.—The rate of occur-  
12 rence of serious mental illnesses in each of the  
13 following populations:

14 (i) Individuals, including juveniles, on  
15 probation.

16 (ii) Individuals, including juveniles, in-  
17 carcerated in a jail.

18 (iii) Individuals, including juveniles,  
19 incarcerated in a prison.

20 (iv) Individuals, including juveniles,  
21 on parole.

22 (B) BENEFITS.—The percentage of indi-  
23 viduals in each population described in subpara-  
24 graph (A) who have—

25 (i) a serious mental illness; and

1 (ii) received disability benefits under  
2 title II or title XVI of the Social Security  
3 Act (42 U.S.C. 401 et seq. and 1381 et  
4 seq.).

5 (b) REPORT.—Not later than 36 months after the  
6 date of the enactment of this Act, the Attorney General  
7 shall submit to Congress the report described in sub-  
8 section (a).

9 (c) DEFINITIONS.—In this section—

10 (1) the term “serious mental illness” means  
11 that an individual has, or at any time during the 1-  
12 year period ending on the date of enactment of this  
13 Act had, a covered mental, behavioral, or emotional  
14 disorder; and

15 (2) the term “covered mental, behavioral, or  
16 emotional disorder”—

17 (A) means a diagnosable mental, behav-  
18 ioral, or emotional disorder of sufficient dura-  
19 tion to meet diagnostic criteria specified within  
20 the Diagnostic and Statistical Manual of Men-  
21 tal Disorders, Fourth Edition, or the Inter-  
22 national Classification of Diseases, Ninth Revi-  
23 sion, Clinical Modification equivalent of the Di-  
24 agnostic and Statistical Manual of Mental Dis-  
25 orders, Fourth Edition; and

1           (B) does not include a disorder that has a  
2           V code within the Diagnostic and Statistical  
3           Manual of Mental Disorders, Fourth Edition, a  
4           substance use disorder, or a developmental dis-  
5           order, unless that disorder cooccurs with an-  
6           other disorder described in subparagraph (A)  
7           and causes functional impairment which sub-  
8           stantially interferes with or limits 1 or more  
9           major life activities.

10       (d) AUTHORIZATION OF APPROPRIATIONS.—There  
11       are authorized to be appropriated to carry out this section  
12       \$2,000,000 for 2009.

          Passed the Senate September 26 (legislative day,  
September 17), 2008.

Attest:

*Secretary.*



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