

# 21<sup>st</sup> Century CURES Act

## Summary of Criminal Justice-Related Provisions

### TITLE XIV – MENTAL HEALTH AND SAFE COMMUNITIES

#### SUBTITLE A–Mental Health and Safe Communities

##### **Sec. 14001. Law Enforcement Grants for Crisis Intervention Teams, Mental Health Purposes**

- Amends the Byrne Justice Assistance Grant (JAG) Program to allow law enforcement to use funds for the creation of mental health response and corrections programs, including police crisis intervention teams. Also allows state and local governments to use Byrne JAG funds in order to comply with current laws requiring the upload of certain mental health records to the National Instant Criminal Background Check System (NICS).
- Amends the Community Oriented Policing Services Grant Program (COPS) to allow law enforcement to use funds for specialized mental health response training, including crisis de-escalation.
- Amends the Fire Prevention and Control Act to allow existing grant funds to be used for training first responders and paramedics on best practices for responding to mental health emergencies, including crisis de-escalation.

##### **Sec. 14002. Assisted Outpatient Treatment Programs**

- Allows federal mental health court grant funds to be used for the creation of court-ordered outpatient treatment programs to prevent the escalation of mental health crises.

##### **Sec. 14003. Federal Drug and Mental Health Courts**

- Requires the Attorney General and the Director of the Administrative Office of United States Courts to create a Drug and Mental Health Court pilot program in at least one Federal Judicial District. As part of this program, low-level offenders who are mentally ill or addicted to narcotics would be eligible for diversion from prison so long as they comply with an intensive court-mandated treatment program. A large number of state and local governments operate similar problem-solving court programs.

##### **Sec. 14004. Mental Health in the Judicial System**

- Amends the America’s Law Enforcement and Mental Health Project Act to allow state and local governments to use funds for the creation and deployment of behavioral health risk and needs assessments for mentally ill individuals in the criminal justice system.

##### **Sec. 14005. Forensic Assertive Community Treatment Initiatives**

- Amends the Mentally Ill Offender Treatment and Crime Reduction (MIOTCRA) to allow state and local governments to use existing authorized grant funds for the operation of Forensic Assertive Community Treatment (FACT) Initiatives. FACT Initiatives provide high-intensity community-based services for individuals with mental illness who are involved in the criminal justice system.

##### **Sec. 14006. Assistance for Individuals Transitioning Out of Systems**

- Amends the Second Chance Act to allow state and local governments to use reentry demonstration project grant funds for the provision of mental health treatment and transitional services (including housing) for mentally ill offenders who are re-entering the community.

##### **Sec. 14007. Co-occurring Substance Abuse and Mental Health Challenges in Drug Courts**

- Amends the federal Drug Court Grant Program to allow state and local governments to use their existing grant funds to include targeted interventions for individuals who have both a mental health and

substance abuse disorder. Also allows funds to be used for the training of drug court professionals to identify and respond to these co-occurring disorders.

**Sec. 14008. Mental Health Training for Federal Uniformed Services**

- Requires the appropriate cabinet-level Secretary to provide mental health crisis and response training programs for members of each of the Federal Uniformed Services.

**Sec. 14009. Advancing Mental Health as Part of Offender Reentry**

- Amends the Second Chance Act to allow state and local governments to use reentry demonstration project grant funds under this program for the purpose of providing mental health services and to coordinate transitional services for individuals re-entering society with mental illness, substance abuse problems, or a chronic homelessness.

**Sec. 14010. School Mental Health Crisis Intervention Teams**

- Amends the Department of Justice Secure Our Schools program to allow state and local governments to use existing grant funds to develop and operate school-based mental health crisis intervention teams that include coordination with law enforcement agencies and specialized training for school officials.

**Sec. 14011. Active-shooter Training for Law Enforcement**

- Permanently authorizes the existing Department of Justice VALOR Initiative, which provides crisis response training and active-shooter training for federal, state, and local law enforcement officials.

**Sec. 14012. Co-occurring Substance Abuse and Mental Health Challenges in Residential Substance Abuse Treatment Programs**

- Amends the Residential Substance Abuse Treatment grant program to allow state and local governments to use funds for the purpose of developing and implementing specialized residential substance abuse treatment programs that provide treatment to individuals with co-occurring mental health and substance abuse disorders.

**Sec. 14013. Mental Health and Drug Treatment Alternatives to Incarceration Programs**

- Updates the existing Prosecution Drug Treatment Alternatives to Incarceration Program statute to allow state and local governments to use grant funds under this program for creating and operating programs that divert individuals with mental illness and co-occurring disorders from prisons and jails pursuant to a court supervised intensive treatment program. Current law only allows funds under this program to be used for addressing substance abuse issues.

**Sec. 14014. National Criminal Justice and Mental Health Training and Technical Assistance**

- Amends MIOTCRA to allow the Attorney General to use existing authorized funds to award grants to nonprofit organizations for the creation of a National Criminal Justice and Mental Health Training Center. This entity would coordinate best practices on responding to mental illness in the criminal justice system, and would provide technical assistance to governmental agencies who wish to implement these best practices.

**Sec. 14015. Improving Department of Justice Data Collection on Mental Illness Involved in Crime**

- Requires the Attorney General to collect and disseminate data regarding the involvement of mental illness in all homicides, as well as deaths or serious bodily injuries involving law enforcement officers.

**Sec. 14016. Reports on the Number of Mentally Ill Offenders in Prison**

- Requires the Comptroller General of the United States to submit a report to Congress detailing the federal, state, and local costs of imprisonment for individuals with serious mental illness, including the number and types of crimes committed by mentally ill individuals.

**Sec. 14017. Department of Veterans Affairs Patients' Rights**

- Ensures that veterans enjoy due process protections before being adjudicated as mentally ill by the Veterans Administration.

**Sec. 14018. Reauthorization of Appropriations**

- Reauthorizes MIOTCRA at the previously authorized (but expired) level of \$50 million/yr.

**SUBTITLE B—Comprehensive Justice and Mental Health**

**Sec. 14021. Sequential Intercept Model**

- Authorizes the Sequential Intercept Model which outlines sequential points at which a person with mental illness can be “intercepted” and kept from going further into the criminal justice system.

**Sec. 14022. Prison and Jails**

- Authorizes funding for prison and jail-based programs, including transitional and re-entry programs that reduce the likelihood of recidivism when a mentally-ill offender is released.

**Sec. 14023. Allowable Uses**

- Expands the allowable use of grant resources to enhance the capabilities of law enforcement, corrections, and mental health personnel to better identify and respond to individuals with mental illnesses who consume a disproportionate quantity of crisis services.

**Sec. 14024. Law Enforcement Training**

- Authorizes resources for expanded training activities, providing more officers with a basic understanding of the issues involved when responding situations with individuals with mental health crises.

**Sec. 14025. Federal Law Enforcement Training**

- Requires the Attorney General to create programs that offer federal first responders and tactical units comprehensive training in procedures to identify and respond appropriately to incidents involving mentally ill individuals.

**Sec. 14026. GAO Report**

- Requires a GAO report detailing the practices that federal first responders, tactical units, and corrections officers are trained to use in responding to individuals with mental illness, procedures to appropriately respond to incidents, the application of evidence-based practices in criminal justice settings, and recommendations on how the Department of Justice can improve information sharing and dissemination of best practices.

**Sec. 14027. Evidence Based Practices**

- Requires DOJ to prioritize grant applications to those who use evidence-based interventions and risk assessment tools to reduce recidivism.

**Sec. 14028. Transparency, Program Accountability and Enhancing Local Authority**

- Clarifies that an offender may participate in a MIOTCRA program only if the offender is selected unanimously for participation in the program by the prosecuting attorney, the defense attorney, the judge, the mental health agency representative, and the probation officer.

**Sec. 14029. Grant Accountability**

- Requires the Inspector General of the Department of Justice to conduct annual audits of all grant recipients under the bill's provisions to prevent waste, fraud, and abuse of funds by grantees.