

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 128 Session of
2013

INTRODUCED BY GREENLEAF, FARNESE, STACK, ERICKSON, WILLIAMS,
VULAKOVICH, SCHWANK, FERLO, BROWNE, COSTA, LEACH AND WILEY,
JANUARY 14, 2013

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, JUNE 11, 2013

AN ACT

~~1 Establishing the Criminal Justice and Mental Health Reinvestment <--~~
~~2 Program; and providing for the powers and duties of the~~
~~3 Pennsylvania Commission on Crime and Delinquency.~~
4 AMENDING THE ACT OF NOVEMBER 22, 1978 (P.L.1166, NO.274), <--
5 ENTITLED "AN ACT ESTABLISHING THE PENNSYLVANIA COMMISSION ON
6 CRIME AND DELINQUENCY, PROVIDING FOR ITS POWERS AND DUTIES
7 ESTABLISHING SEVERAL ADVISORY COMMITTEES WITHIN THE
8 COMMISSION AND PROVIDING FOR THEIR POWERS AND DUTIES,"
9 FURTHER PROVIDING FOR THE PENNSYLVANIA COMMISSION ON CRIME
10 AND DELINQUENCY; AND ESTABLISHING THE MENTAL HEALTH AND
11 JUSTICE ADVISORY COMMITTEE AND THE MENTAL HEALTH AND JUSTICE
12 GRANT PROGRAM.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 ~~Section 1. Short title.~~ <--

16 ~~This act shall be known and may be cited as the Criminal~~
17 ~~Justice and Mental Health Reinvestment Act.~~

18 ~~Section 2. Definitions.~~

19 ~~The following words and phrases when used in this act shall~~
20 ~~have the meanings given to them in this section unless the~~
21 ~~context clearly indicates otherwise:~~

22 ~~"Advisory committee." The Advisory Committee for Criminal~~

~~Justice and Mental Health Reinvestment.~~

~~"Commission." The Pennsylvania Commission on Crime and
Delinquency.~~

~~"Program." The Criminal Justice and Mental Health
Reinvestment Program.~~

~~Section 3. Criminal Justice and Mental Health Reinvestment
Program.~~

~~(a) Establishment. The Criminal Justice and Mental Health
Reinvestment Program is hereby established. The commission shall
administer the program.~~

~~(b) Purpose. The purpose of the program is to provide
funding to counties with which they can plan, implement or
expand initiatives that increase public safety, avert increased
spending on criminal justice and improve the effectiveness of
treatment services for individuals with mental illnesses,
substance abuse disorders or co-occurring mental health and
substance abuse disorders and who are involved or at risk of
involvement with the criminal justice system.~~

~~(c) Advisory committee.~~

~~(1) The Advisory Committee for Criminal Justice and
Mental Health Reinvestment is hereby established.~~

~~(2) The advisory committee shall have oversight
responsibilities for the program, which shall include
monitoring both the grant process and outcome aspects of the
program. The advisory committee shall advise the commission
in establishing the criteria to be used to review submitted
grant proposals and to select counties that will be awarded
grants.~~

~~(3) The advisory committee shall be comprised of one
representative from each of the following agencies or~~

1 ~~organizations:~~

2 ~~(i) The Department of Public Welfare.~~

3 ~~(ii) The Department of Corrections.~~

4 ~~(iii) The Department of Health.~~

5 ~~(iv) The Pennsylvania Board of Probation and Parole.~~

6 ~~(v) The Administrative Office of Pennsylvania~~
7 ~~Courts.~~

8 ~~(d) Types of grants. A county may apply for a one year~~
9 ~~planning grant, a two year implementation grant or a two year~~
10 ~~expansion grant. The purpose of the grant is to demonstrate that~~
11 ~~investment in treatment efforts related to mental illness,~~
12 ~~substance abuse disorders or co-occurring disorders results in~~
13 ~~reduced demand on the resources of the judicial, corrections or~~
14 ~~health and social services systems.~~

15 ~~(e) Eligibility.~~

16 ~~(1) To be eligible to receive a one year planning grant,~~
17 ~~a two year implementation grant or a two year expansion~~
18 ~~grant, a county applicant must submit a proposal on behalf of~~
19 ~~county criminal justice and mental health or substance abuse~~
20 ~~service entities.~~

21 ~~(2) When developing the proposal, the county shall~~
22 ~~consult with county criminal justice and mental health or~~
23 ~~substance abuse service entities, as well as the public. At a~~
24 ~~minimum, the following shall be consulted for purposes of~~
25 ~~developing the proposal:~~

26 ~~(i) Court of Common Pleas.~~

27 ~~(ii) Board of County Commissioners or county~~
28 ~~executive.~~

29 ~~(iii) District Attorney.~~

30 ~~(iv) Public defender.~~

~~(v) The warden of the county correctional institution.~~

~~(vi) Single county authority.~~

~~(vii) Mental Health/Mental Retardation Office.~~

~~(viii) Local law enforcement.~~

~~(ix) A primary consumer of mental health services.~~

~~(x) A primary consumer of substance abuse services.~~

~~(xi) A family member of a primary consumer of community based treatment services.~~

~~(xii) A representative from an area homeless program or a supportive housing program.~~

~~(xiii) The director of a juvenile detention facility.~~

~~(f) Requirements.—~~

~~(1) (i) The application criteria for a one year planning grant shall include a requirement that the applicant county will develop a strategic plan to initiate systemic change to identify and treat individuals who have mental illnesses, substance abuse disorders or co-occurring mental health and substance abuse disorders who are in, or at risk of entering, the criminal justice system.~~

~~(ii) The one year planning grant shall be used to develop effective collaboration efforts among participants in affected governmental agencies, including the criminal and civil justice systems, mental health and substance abuse treatment service providers, transportation programs and housing assistance programs. The collaboration efforts shall be the basis for developing a problem solving model and strategic plan for~~

1 ~~treating persons who are in, or at risk of entering, the~~
2 ~~criminal justice system and doing so at the earliest~~
3 ~~point of contact, taking into consideration public~~
4 ~~safety.~~

5 ~~(iii) The planning grant shall include strategies to~~
6 ~~divert individuals from judicial commitment to community~~
7 ~~based service programs.~~

8 ~~(2) The application for a two year implementation~~
9 ~~program shall include information from a county that~~
10 ~~demonstrates its completion of a well established~~
11 ~~collaboration plan that includes public private partnership~~
12 ~~models and the application of evidence based practices.~~

13 ~~(3) The implementation or expansion grants may support~~
14 ~~programs and diversion initiatives that include, but need not~~
15 ~~be limited to:~~

16 ~~(i) Specialized responses by law enforcement~~
17 ~~agencies.~~

18 ~~(ii) Centralized receiving facilities for~~
19 ~~individuals evidencing behavioral difficulties.~~

20 ~~(iii) Postbooking alternatives to incarceration.~~

21 ~~(iv) New court programs, including pretrial services~~
22 ~~and specialized dockets.~~

23 ~~(v) Specialized diversion programs.~~

24 ~~(vi) Intensified transition services that are~~
25 ~~directed to the designated populations while they are in~~
26 ~~jail to facilitate their transition to the community.~~

27 ~~(vii) Specialized probation and parole processes.~~

28 ~~(viii) Day reporting centers.~~

29 ~~(ix) Linkages to community based, evidence based~~
30 ~~treatment programs for people who have mental illness or~~

~~substance abuse problems.~~

~~(x) Community services and programs designed to prevent criminal justice involvement of high risk populations.~~

~~(xi) Specialized training for criminal justice and treatment services professionals.~~

~~(4) Each county application shall include the following information:~~

~~(i) An analysis of the current jail population in the county, which shall include:~~

~~(A) The screening and assessment process that the county uses to identify a person who has a mental illness, substance abuse problem or co-occurring disorder.~~

~~(B) The percentage of each category of persons admitted to the jail which represents people who have a mental illness, substance abuse problem or co-occurring disorder.~~

~~(C) An analysis of observed contributing factors that affect county jail population trends.~~

~~(ii) A description of the strategies the county intends to use to serve one or more clearly defined subsets of the jail population that have a mental illness or to serve those at risk of arrest and incarceration. The proposed strategies may include identifying the population designated to receive the new interventions, a description of the services and supervision methods to be applied to that population and the goals and measurable objectives of the new interventions.~~

~~(iii) The projected effect the proposed initiatives~~

1 ~~will have on the jail population and the jail's budget.~~

2 ~~The information shall include:~~

3 ~~(A) The county's estimate of how the initiative~~
4 ~~will reduce the expenditures associated with the~~
5 ~~incarceration of people who have a mental illness.~~

6 ~~(B) The methodology that the county intends to~~
7 ~~use to measure the defined outcomes and the~~
8 ~~corresponding savings or averted costs.~~

9 ~~(C) The county's estimate of how the cost~~
10 ~~savings or averted costs will sustain or expand the~~
11 ~~mental health and substance abuse treatment services~~
12 ~~and supports needed in the community.~~

13 ~~(D) How the county's proposed initiative will~~
14 ~~reduce the number of individuals judicially committed~~
15 ~~to a State mental health treatment facility.~~

16 ~~(iv) The proposed strategies that the county intends~~
17 ~~to use to preserve and enhance its community mental~~
18 ~~health and substance abuse system, which system serves as~~
19 ~~the local behavioral health safety net for low income and~~
20 ~~uninsured individuals.~~

21 ~~(v) The proposed strategies that the county intends~~
22 ~~to use to continue the implemented or expanded programs~~
23 ~~and initiatives that have resulted from the grant~~
24 ~~funding.~~

25 ~~Section 4. Powers and duties of commission.~~

26 ~~(a) Application. The commission shall develop an~~
27 ~~application procedure with input from the advisory committee.~~

28 ~~(b) Grants.—~~

29 ~~(1) The commission shall award grants to counties that~~
30 ~~apply to the commission for funds to assist in planning,~~

~~implementing or expanding initiatives that increase public safety, avert increased spending on criminal justice and improve the effectiveness of treatment services for individuals with mental illnesses, substance abuse disorders or co-occurring mental health and substance abuse disorders who are involved or at risk of involvement with the criminal justice system.~~

~~(2) The commission shall base the number of grants on the amount of funds appropriated by the General Assembly and other funds available for the purposes of this act.~~

~~(3) The amount of a specific grant shall be based on the category of the award: planning, implementation or expansion. Planning grants shall be proportionately smaller than implementation grants, which shall be proportionately smaller than expansion grants, as determined by the commission in consultation with the advisory committee.~~

~~(c) Monitoring and reporting.~~

~~(1) The commission shall monitor a county's use of grants awarded under this act and may require an accounting of the use of the funds.~~

~~(2) The commission shall annually report to the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives on the program. The report shall include the numbers and the amounts of the grants awarded, the counties receiving the grants and any other relevant information.~~

~~Section 5. Effective date.~~

~~This act shall take effect July 1, 2013, or immediately, whichever is later.~~

SECTION 1. SECTION 2(D)(2) OF THE ACT OF NOVEMBER 22, 1978

<--

(P.L.1166, NO.274), REFERRED TO AS THE PENNSYLVANIA COMMISSION
ON CRIME AND DELINQUENCY LAW, AMENDED OCTOBER 25, 2012
(P.L.1607, NO.196), IS AMENDED AND SUBSECTION (B) IS AMENDED BY
ADDING A PARAGRAPH TO READ:

SECTION 2. PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY.

* * *

(B) COMPOSITION.--THE COMMISSION SHALL CONSIST OF THE
FOLLOWING MEMBERS:

* * *

(17.3) CHAIRMAN OF THE MENTAL HEALTH AND JUSTICE
ADVISORY COMMITTEE.

* * *

(D) TERM OF OFFICE.--

* * *

(2) THE TERM OF THE [CHAIRMAN] CHAIRMEN OF THE JUVENILE
JUSTICE AND DELINQUENCY PREVENTION COMMITTEE AND THE MENTAL
HEALTH AND JUSTICE ADVISORY COMMITTEE SHALL BE CONCURRENT
WITH [HIS] THEIR SERVICE AS [CHAIRMAN OF THAT COMMITTEE]
CHAIRMEN OF THEIR RESPECTIVE COMMITTEES.

* * *

SECTION 2. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:
SECTION 7.3. MENTAL HEALTH AND JUSTICE ADVISORY COMMITTEE.

(A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED THE MENTAL
HEALTH AND JUSTICE ADVISORY COMMITTEE WITHIN THE COMMISSION.

(B) COMPOSITION.--THE MEMBERS OF THE COMMITTEE SHALL BE
APPOINTED BY THE GOVERNOR AND SHALL INCLUDE REPRESENTATIVES OF
THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF DRUG AND
ALCOHOL PROGRAMS, THE DEPARTMENT OF MILITARY AND VETERANS
AFFAIRS, THE OFFICE OF MENTAL HEALTH SERVICES AND SUBSTANCE
ABUSE SERVICES OF THE DEPARTMENT OF PUBLIC WELFARE, THE

PENNSYLVANIA BOARD OF PROBATION AND PAROLE, THE ADMINISTRATIVE
OFFICE OF PENNSYLVANIA COURTS, THE PENNSYLVANIA COMMISSION ON
SENTENCING, UNITS OF LOCAL GOVERNMENT, PUBLIC AND PRIVATE
AGENCIES AND ORGANIZATIONS WHICH PROVIDE OR ADVOCATE FOR MENTAL
HEALTH TREATMENT AND SERVICES, AGENCIES WHICH PROVIDE HOUSING
FOR THE MENTALLY ILL, VICTIM SERVICE AGENCIES, DRUG AND ALCOHOL
TREATMENT PROVIDERS, POLICE, DISTRICT ATTORNEYS, PUBLIC
DEFENDERS, JUDGES OF THE COURTS OF COMMON PLEAS, COUNTY ADULT
AND JUVENILE PROBATION OFFICERS, COUNTY WARDENS AND ANY OTHER
INDIVIDUALS WITH EXPERTISE IN THE PUBLIC SAFETY RESPONSE AND
MANAGEMENT, TREATMENT OR PROVISION OF SERVICES TO INDIVIDUALS
WITH MENTAL ILLNESS INVOLVED IN THE JUVENILE JUSTICE OR CRIMINAL
JUSTICE SYSTEM.

(C) TERM.--MEMBERS SHALL SERVE FOR A FOUR-YEAR TERM AND MAY
BE APPOINTED FOR NO MORE THAN ONE ADDITIONAL CONSECUTIVE TERM.

(D) NUMBER AND QUALIFICATIONS.--THE COMMITTEE SHALL CONSIST
OF NO MORE THAN 33 MEMBERS, ALL OF WHOM MUST HAVE EXPERIENCE IN
THE PUBLIC SAFETY RESPONSE AND MANAGEMENT, TREATMENT OR
PROVISION OF SERVICES TO INDIVIDUALS WITH MENTAL ILLNESS
INVOLVED IN THE JUVENILE JUSTICE OR CRIMINAL JUSTICE SYSTEM.

(E) CONDITIONS OF APPOINTMENT.--THE COMMITTEE AND ITS
MEMBERS ARE SUBJECT TO THE SAME LIMITATIONS AND CONDITIONS
IMPOSED UPON THE COMMISSION AS PRESCRIBED IN SECTION 2(D), (E),
(H), (I), (M) AND (N).

(F) QUORUM.--A MAJORITY OF THE MEMBERS SHALL CONSTITUTE A
QUORUM AND A VOTE OF THE MAJORITY OF THE MEMBERS PRESENT SHALL
BE SUFFICIENT FOR ALL ACTIONS.

(G) CHAIRMAN.--THE GOVERNOR SHALL APPOINT A CHAIRMAN FROM
AMONG THE MEMBERS OF THE COMMITTEE WHO SHALL SERVE AT THE
PLEASURE OF THE GOVERNOR. A VICE CHAIRMAN SHALL BE DESIGNATED BY

1 THE CHAIRMAN AND PRESIDE AT MEETINGS IN THE ABSENCE OF THE
2 CHAIRMAN. THE COMMITTEE SHALL MEET AT THE CALL OF THE CHAIRMAN,
3 BUT NOT LESS THAN FOUR TIMES A YEAR.

4 (H) POWERS AND DUTIES.--THE MENTAL HEALTH AND JUSTICE
5 ADVISORY COMMITTEE SHALL HAVE THE POWER, AND ITS DUTY SHALL BE:

6 (1) TO SERVE IN AN ADVISORY CAPACITY TO THE COMMISSION
7 THROUGH THE COMMITTEE'S PARTICIPATION IN THE DEVELOPMENT OF
8 THAT PART OF THE COMMISSION'S COMPREHENSIVE PLAN RELATING TO
9 THE PROVISION OF TREATMENT AND SERVICES TO INDIVIDUALS WITH
10 MENTAL ILLNESS INVOLVED IN THE JUVENILE JUSTICE AND CRIMINAL
11 JUSTICE SYSTEMS.

12 (2) TO SERVE THE COMMISSION IN AN ADVISORY CAPACITY
13 RELATING TO THE DIRECT APPROVAL AND DISBURSEMENT OF FINANCIAL
14 ASSISTANCE.

15 (3) TO ADVISE THE COMMISSION ON THE DEFINITION,
16 DEVELOPMENT AND CORRELATION OF PROGRAMS AND PROJECTS AND THE
17 ESTABLISHMENT OF PRIORITIES FOR THE PROVISION OF TREATMENT
18 AND SERVICES TO INDIVIDUALS WITH MENTAL ILLNESS INVOLVED IN
19 THE JUVENILE JUSTICE AND CRIMINAL JUSTICE SYSTEMS.

20 (4) UPON REQUEST, TO PROVIDE WHATEVER ASSISTANCE AND
21 ADVICE TO THE COMMISSION ON ANY OTHER MATTERS RELATING TO THE
22 PROVISION OF TREATMENT AND SERVICES TO INDIVIDUALS WITH
23 MENTAL ILLNESS INVOLVED IN THE JUVENILE JUSTICE AND CRIMINAL
24 JUSTICE SYSTEMS.

25 (I) RESOURCE AND STAFF SUPPORT.--THE DEPARTMENT OF PUBLIC
26 WELFARE AND THE DEPARTMENT OF CORRECTIONS SHALL COOPERATE WITH
27 THE COMMISSION IN PROVIDING RESOURCES TO THE COMMISSION IN
28 SUPPORT OF THE COMMITTEE. STAFF SUPPORT SHALL BE MADE AVAILABLE
29 TO THE COMMITTEE BY THE EXECUTIVE DIRECTOR IN ORDER TO
30 ADEQUATELY PERFORM THE DUTIES PROVIDED FOR IN THIS SECTION.

1 SECTION 8.2. MENTAL HEALTH AND JUSTICE GRANT PROGRAM.

2 (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED THE MENTAL
3 HEALTH AND JUSTICE GRANT PROGRAM WITHIN THE COMMISSION.

4 (B) AWARDING GRANTS.--THE COMMISSION SHALL AWARD GRANTS TO
5 ASSIST IN PLANNING, IMPLEMENTING OR EXPANDING INITIATIVES THAT
6 INCREASE PUBLIC SAFETY, AVERT INCREASED SPENDING ON CRIMINAL
7 JUSTICE AND IMPROVE THE EFFECTIVENESS OF TREATMENT SERVICES FOR
8 INDIVIDUALS WITH MENTAL ILLNESSES, SUBSTANCE ABUSE DISORDERS OR
9 CO-OCCURRING MENTAL HEALTH AND SUBSTANCE ABUSE DISORDERS WHO ARE
10 INVOLVED OR AT RISK OF INVOLVEMENT WITH THE CRIMINAL JUSTICE
11 SYSTEM.

12 (C) NUMBER OF GRANTS.--THE COMMISSION SHALL BASE THE NUMBER
13 OF GRANTS ON THE AMOUNT OF FUNDS APPROPRIATED BY THE GENERAL
14 ASSEMBLY AND OTHER FUNDS AVAILABLE FOR THE PURPOSES OF THIS ACT.

15 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 90 DAYS.