

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 74

Session of
2009

INTRODUCED BY GREENLEAF, FONTANA, ERICKSON, MUSTO, WILLIAMS,
FERLO, BROWNE, M. WHITE, EARLL, O'PAKE AND LEACH,
JANUARY 29, 2009

REFERRED TO JUDICIARY, JANUARY 29, 2009

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Criminal
8 Justice and Mental Health Reinvestment Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Advisory committee." The Advisory Committee for Criminal
14 Justice and Mental Health Reinvestment.

15 "Commission." The Pennsylvania Commission on Crime and
16 Delinquency.

17 "Program." The Criminal Justice and Mental Health
18 Reinvestment Program.

1 Section 3. Criminal Justice and Mental Health Reinvestment
2 Program.

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

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

14 (c) Advisory committee.--

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

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

24 (3) The advisory committee shall be comprised of one
25 representative from each of the following agencies or
26 organizations:

27 (i) The Department of Public Welfare.

28 (ii) The Department of Corrections.

29 (iii) The Department of Health.

30 (iv) The Pennsylvania Board of Probation and Parole.

1 (v) The Administrative Office of Pennsylvania
2 Courts.

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

10 (e) Eligibility.--

11 (1) To be eligible to receive a one-year planning grant,
12 a two-year implementation grant or a two-year expansion
13 grant, a county applicant must submit a proposal on behalf of
14 county criminal justice and mental health or substance abuse
15 service entities.

16 (2) When developing the proposal, the county shall
17 consult with county criminal justice and mental health or
18 substance abuse service entities, as well as the public. At a
19 minimum, the following shall be consulted for purposes of
20 developing the proposal:

21 (i) Court of Common Pleas.

22 (ii) Board of County Commissioners or county
23 executive.

24 (iii) District Attorney.

25 (iv) Public defender.

26 (v) The warden of the county correctional
27 institution.

28 (vi) Single county authority.

29 (vii) Mental Health/Mental Retardation Office.

30 (viii) Local law enforcement.

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

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

3 (xi) A family member of a primary consumer of
4 community-based treatment services.

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

7 (xiii) The director of a juvenile detention
8 facility.

9 (f) Requirements.--

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

18 (ii) The one-year planning grant shall be used to
19 develop effective collaboration efforts among
20 participants in affected governmental agencies, including
21 the criminal and civil justice systems, mental health and
22 substance abuse treatment service providers,
23 transportation programs and housing assistance programs.
24 The collaboration efforts shall be the basis for
25 developing a problem-solving model and strategic plan for
26 treating persons who are in, or at risk of entering, the
27 criminal justice system and doing so at the earliest
28 point of contact, taking into consideration public
29 safety.

30 (iii) The planning grant shall include strategies to

1 divert individuals from judicial commitment to community-
2 based service programs.

3 (2) The application for a two-year implementation
4 program shall include information from a county that
5 demonstrates its completion of a well-established
6 collaboration plan that includes public-private partnership
7 models and the application of evidence-based practices.

8 (3) The implementation or expansion grants may support
9 programs and diversion initiatives that include, but need not
10 be limited to:

11 (i) Specialized responses by law enforcement
12 agencies.

13 (ii) Centralized receiving facilities for
14 individuals evidencing behavioral difficulties.

15 (iii) Postbooking alternatives to incarceration.

16 (iv) New court programs, including pretrial services
17 and specialized dockets.

18 (v) Specialized diversion programs.

19 (vi) Intensified transition services that are
20 directed to the designated populations while they are in
21 jail to facilitate their transition to the community.

22 (vii) Specialized probation and parole processes.

23 (viii) Day-reporting centers.

24 (ix) Linkages to community-based, evidence-based
25 treatment programs for people who have mental illness or
26 substance abuse problems.

27 (x) Community services and programs designed to
28 prevent criminal justice involvement of high-risk
29 populations.

30 (xi) Specialized training for criminal justice and

1 treatment services professionals.

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

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

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

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

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

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

25 (iii) The projected effect the proposed initiatives
26 will have on the jail population and the jail's budget.
27 The information shall include:

28 (A) The county's estimate of how the initiative
29 will reduce the expenditures associated with the
30 incarceration of people who have a mental illness.

1 (B) The methodology that the county intends to
2 use to measure the defined outcomes and the
3 corresponding savings or averted costs.

4 (C) The county's estimate of how the cost
5 savings or averted costs will sustain or expand the
6 mental health and substance abuse treatment services
7 and supports needed in the community.

8 (D) How the county's proposed initiative will
9 reduce the number of individuals judicially committed
10 to a State mental health treatment facility.

11 (iv) The proposed strategies that the county intends
12 to use to preserve and enhance its community mental
13 health and substance abuse system, which system serves as
14 the local behavioral health safety net for low-income and
15 uninsured individuals.

16 (v) The proposed strategies that the county intends
17 to use to continue the implemented or expanded programs
18 and initiatives that have resulted from the grant
19 funding.

20 Section 4. Powers and duties of commission.

21 (a) Application.--The commission shall develop an
22 application procedure with input from the advisory committee.

23 (b) Grants.--

24 (1) The commission shall award grants to counties that
25 apply to the commission for funds to assist in planning,
26 implementing or expanding initiatives that increase public
27 safety, avert increased spending on criminal justice and
28 improve the effectiveness of treatment services for
29 individuals with mental illnesses, substance abuse disorders
30 or co-occurring mental health and substance abuse disorders

1 who are involved or at risk of involvement with the criminal
2 justice system.

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

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

12 (c) Monitoring and reporting.--

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

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

22 (d) Technical assistance to grantees.--

23 (1) The commission shall designate at least one "Center
24 for Excellence" at colleges or universities located in this
25 Commonwealth on criteria determined by the commission in
26 consultation with the advisory committee.

27 (2) A center for excellence shall:

28 (i) Provide technical assistance to counties in
29 preparing a grant application.

30 (ii) Assist an applicant county in projecting the

1 effect of the proposed intervention on the criminal
2 justice system in the county.

3 (iii) Assist an applicant county in monitoring the
4 effect of a grant award on the criminal justice system in
5 the county.

6 (iv) Disseminate and share evidence-based practices
7 and best practices among grantees.

8 (v) Act as a clearinghouse for information and
9 resources related to criminal justice, mental health and
10 substance abuse.

11 Section 5. Effective date.

12 This act shall take effect July 1, 2009, or immediately,
13 whichever is later.