

Subsec. (e). Pub. L. 109-271 added subsec. (e) and struck out former subsec. (e) which read as follows: “Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 3796gg-10 of this title. The requirements of this subchapter shall not apply to funds allocated for such program.”

Pub. L. 109-162, §906(c), added subsec. (e) and struck out former subsec. (e). Prior to amendment, text read as follows: “Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.”

Pub. L. 109-162, §102(b)(4), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: “Not less than 5 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.”

2000—Subsec. (a). Pub. L. 106-386, §1102(b)(1), inserted “State and local courts (including juvenile courts), tribal courts,” after “Indian tribal governments.”

Subsec. (b). Pub. L. 106-386, §1102(b)(2)(A), inserted “State and local courts (including juvenile courts),” after “Indian tribal governments” in introductory provisions.

Subsec. (b)(2). Pub. L. 106-386, §§1102(b)(2)(B), 1109(c)(1), substituted “policies, educational programs, and” for “policies and” and inserted “and dating violence” before period at end.

Subsec. (b)(3), (4). Pub. L. 106-386, §1102(b)(2)(C), (D), inserted “parole and probation officers,” after “prosecutors.”

Subsec. (b)(5). Pub. L. 106-386, §§1109(c)(2), 1512(b), inserted “and dating violence, including strengthening assistance to such victims in immigration matters” before period at end.

Subsec. (b)(6). Pub. L. 106-386, §1101(a)(2)(A), inserted “(including juvenile courts)” after “courts”.

Subsec. (b)(7). Pub. L. 106-386, §1101(a)(2)(B), added par. (7).

Subsec. (b)(8). Pub. L. 106-386, §1209(b), added par. (8).

Subsec. (c). Pub. L. 106-386, §1102(b)(3), inserted “State and local courts (including juvenile courts),” after “Indian tribal governments” in introductory provisions.

Subsec. (c)(4). Pub. L. 106-386, §1101(b)(2)(A), added par. (4) and struck out former par. (4) which read as follows: “certify that their laws, policies, or practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena.”

Subsec. (d). Pub. L. 106-386, §1101(b)(2)(B), added subsec. (d).

Subsec. (e). Pub. L. 106-386, §1102(b)(4), added subsec. (e).

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by sections 102(b) (except the amendment to subsec. (d) of this section included in that section) and 906(c) of Pub. L. 109-162 not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109-162, set out as a note under section 3793 of this title.

§ 3796hh-1. Applications

(a) Application

An eligible grantee shall submit an application to the Attorney General that—

(1) contains a certification by the chief executive officer of the State, Indian tribal government, or local government entity that the conditions of section 3796hh(c) of this title are met or will be met within the later of—

(A) the period ending on the date on which the next session of the State or Indian tribal legislature ends; or

(B) 2 years of September 13, 1994 or, in the case of the condition set forth in subsection¹ 3796hh(c)(4) of this title, the expiration of the 2-year period beginning on October 28, 2000;

(2) describes plans to further the purposes stated in section 3796hh(a) of this title;

(3) identifies the agency or office or groups of agencies or offices responsible for carrying out the program; and

(4) includes documentation from nonprofit, private sexual assault and domestic violence programs demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

(b) Priority

In awarding grants under this subchapter, the Attorney General shall give priority to applicants that—

(1) do not currently provide for centralized handling of cases involving domestic violence, dating violence, sexual assault, or stalking by police, prosecutors, and courts;

(2) demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence, dating violence, sexual assault, or stalking, including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);

(3) have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); and

(4) in applications describing plans to further the purposes stated in paragraph (4) or (7) of section 3796hh(b) of this title, will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective.

(c) Dissemination of information

The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection and communication systems that meet the purposes described in this section. Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government.

(Pub. L. 90-351, title I, §2102, as added Pub. L. 103-322, title IV, §40231(a)(3), Sept. 13, 1994, 108 Stat. 1933; amended Pub. L. 106-386, div. B, title I, §1101(a)(3), (b)(3), Oct. 28, 2000, 114 Stat. 1492, 1493; Pub. L. 109-162, title I, §102(c), Jan. 5, 2006, 119 Stat. 2977.)

¹ So in original. Probably should be “section”.

AMENDMENTS

2006—Subsec. (b)(1), (2). Pub. L. 109-162 inserted “, dating violence, sexual assault, or stalking” after “involving domestic violence”.

2000—Subsec. (a)(1)(B). Pub. L. 106-386, § 1101(b)(3), inserted before semicolon “or, in the case of the condition set forth in subsection 3796hh(c)(4) of this title, the expiration of the 2-year period beginning on October 28, 2000”.

Subsec. (b)(1). Pub. L. 106-386, § 1101(a)(3)(A)(i), struck out “and” at the end.

Subsec. (b)(2). Pub. L. 106-386, § 1101(a)(3)(A)(ii), substituted “, including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);” for period at end.

Subsec. (b)(3), (4). Pub. L. 106-386, § 1101(a)(3)(A)(iii), added pars. (3) and (4).

Subsec. (c). Pub. L. 106-386, § 1101(a)(3)(B), added subsec. (c).

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-162 not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109-162, set out as a note under section 3793 of this title.

§ 3796hh-2. Reports

Each grantee receiving funds under this subchapter shall submit a report to the Attorney General evaluating the effectiveness of projects developed with funds provided under this subchapter and containing such additional information as the Attorney General may prescribe.

(Pub. L. 90-351, title I, § 2103, as added Pub. L. 103-322, title IV, § 40231(a)(3), Sept. 13, 1994, 108 Stat. 1933.)

§ 3796hh-3. Regulations or guidelines

Not later than 120 days after September 13, 1994, the Attorney General shall publish proposed regulations or guidelines implementing this subchapter. Not later than 180 days after September 13, 1994, the Attorney General shall publish final regulations or guidelines implementing this subchapter.

(Pub. L. 90-351, title I, § 2104, as added Pub. L. 103-322, title IV, § 40231(a)(3), Sept. 13, 1994, 108 Stat. 1933.)

§ 3796hh-4. Definitions and grant conditions

In this subchapter the definitions and grant conditions in section 13925 of this title shall apply.

(Pub. L. 90-351, title I, § 2105, as added Pub. L. 103-322, title IV, § 40231(a)(3), Sept. 13, 1994, 108 Stat. 1933; amended Pub. L. 106-386, div. B, title I, § 1109(a)(2), Oct. 28, 2000, 114 Stat. 1503; Pub. L. 109-162, § 3(c)(2), Jan. 5, 2006, 119 Stat. 2972.)

AMENDMENTS

2006—Pub. L. 109-162 amended section generally. Prior to amendment, section consisted of pars. (1) to (3) defining for purposes of this subchapter “domestic violence”, “protection order”, and “dating violence”.

2000—Par. (3). Pub. L. 106-386 added par. (3).

§ 3796hh-5. Repealed. Pub. L. 109-271, § 2(f)(2), Aug. 12, 2006, 120 Stat. 752

Section, Pub. L. 90-351, title I, § 2106, as added Pub. L. 109-162, title I, § 102(d), Jan. 5, 2006, 119 Stat. 2978, related to training and technical assistance.

SUBCHAPTER XII-J—MENTAL HEALTH COURTS

PRIOR PROVISIONS

A prior subchapter XII-J, consisting of sections 3796ii to 3796ii-8, related to grants for drug courts, prior to repeal by Pub. L. 104-134, title I, § 101[(a)] [title I, § 114(b)(1)(A)], Apr. 26, 1996, 110 Stat. 1321, 1321-21; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327.

§ 3796ii. Grant authority

The Attorney General shall make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or nonprofit entities, for not more than 100 programs that involve—

(1) continuing judicial supervision, including periodic review, over preliminarily qualified offenders with mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders, who are charged with misdemeanors or nonviolent offenses; and

(2) the coordinated delivery of services, which includes—

(A) specialized training of law enforcement and judicial personnel to identify and address the unique needs of a mentally ill or mentally retarded offender;

(B) voluntary outpatient or inpatient mental health treatment, in the least restrictive manner appropriate, as determined by the court, that carries with it the possibility of dismissal of charges or reduced sentencing upon successful completion of treatment;

(C) centralized case management involving the consolidation of all of a mentally ill or mentally retarded defendant’s cases, including violations of probation, and the coordination of all mental health treatment plans and social services, including life skills training, such as housing placement, vocational training, education, job placement, health care, and relapse prevention for each participant who requires such services; and

(D) continuing supervision of treatment plan compliance for a term not to exceed the maximum allowable sentence or probation for the charged or relevant offense and, to the extent practicable, continuity of psychiatric care at the end of the supervised period.

(Pub. L. 90-351, title I, § 2201, as added Pub. L. 106-515, § 3(a), Nov. 13, 2000, 114 Stat. 2399.)

PRIOR PROVISIONS

A prior section 3796ii, Pub. L. 90-351, title I, § 2201, as added Pub. L. 103-322, title V, § 50001(a)(3), Sept. 13, 1994, 108 Stat. 1956, related to grant authority, prior to repeal by Pub. L. 104-134, title I, § 101[(a)] [title I, § 114(b)(1)(A)], Apr. 26, 1996, 110 Stat. 1321, 1321-21; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327.

A prior section 2201 of Pub. L. 90-351 was renumbered section 2601 and is classified to section 3797 of this title.

STUDY ON REENTRY, MENTAL ILLNESS, AND PUBLIC SAFETY

Pub. L. 107-273, div. C, title I, § 11011, Nov. 2, 2002, 116 Stat. 1823, provided that:

“(a) STUDY.—The Attorney General shall commission a study of offenders, or a sampling of such offenders,