

(ii) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.

**(B) Equitable distribution**

The Attorney General shall ensure that grants awarded under this section are equitably distributed among the geographical regions and between urban and rural populations, including Indian Tribes, consistent with the objective of reducing recidivism among criminal offenders.

(Pub. L. 90-351, title I, §2978, as added Pub. L. 110-199, title I, §111, Apr. 9, 2008, 122 Stat. 669.)

CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 17504 of this title.

SUBCHAPTER XVIII—CRIME FREE RURAL STATE GRANTS

**§ 3797y. Grant authority**

The Attorney General shall award grants to rural State criminal justice agencies, Byrne agencies, or other agencies as designated by the Governor of that State and approved by the Attorney General, to develop rural States' capacity to assist local communities in the prevention and reduction of crime, violence, and substance abuse.

(Pub. L. 90-351, title I, §2985, as added Pub. L. 107-273, div. C, title I, §11027(b), Nov. 2, 2002, 116 Stat. 1834.)

**§ 3797y-1. Use of funds**

**(a) In general**

A capacity building grant shall be used to develop a statewide strategic plan as described in section 3797y-2 of this title to prevent and reduce crime, violence, and substance abuse.

**(b) Permissive use**

A rural State may also use its grant to provide training and technical assistance to communities and promote innovation in the development of policies, technologies, and programs to prevent and reduce crime.

**(c) Data collection**

A rural State may use up to 5 percent of the grant to assist grant recipients in collecting statewide data related to the costs of crime, violence, and substance abuse for purposes of supporting the statewide strategic plan.

(Pub. L. 90-351, title I, §2986, as added Pub. L. 107-273, div. C, title I, §11027(b), Nov. 2, 2002, 116 Stat. 1834.)

**§ 3797y-2. Statewide strategic prevention plan**

**(a) In general**

A statewide strategic prevention plan shall be used by the rural State to assist local communities, both directly and through existing State programs and services, in building comprehensive, strategic, and innovative approaches to reducing crime, violence, and substance abuse based on local conditions and needs.

**(b) Goals**

The plan must contain statewide long-term goals and measurable annual objectives for reducing crime, violence, and substance abuse.

**(c) Accountability**

The rural State shall be required to develop and report in its plan relevant performance targets and measures for the goals and objectives to track changes in crime, violence, and substance abuse.

**(d) Consultation**

The rural State shall form a State crime free communities commission that includes representatives of State and local government, and community leaders who will provide advice and recommendations on relevant community goals and objectives, and performance targets and measures.

(Pub. L. 90-351, title I, §2987, as added Pub. L. 107-273, div. C, title I, §11027(b), Nov. 2, 2002, 116 Stat. 1834.)

**§ 3797y-3. Requirements**

**(a) Training and technical assistance**

The rural State shall provide training and technical assistance, including through such groups as the National Crime Prevention Council, to assist local communities in developing Crime Prevention Plans that reflect statewide strategic goals and objectives, and performance targets and measures.

**(b) Reports**

The rural State shall provide a report on its statewide strategic plan to the Attorney General, including information about—

- (1) involvement of relevant State-level agencies to assist communities in the development and implementation of their Crime Prevention Plans;
- (2) support for local applications for Community Grants; and
- (3) community progress toward reducing crime, violence, and substance abuse.

**(c) Certification**

Beginning in the third year of the program, States must certify that the local grantee's project funded under the community grant is generally consistent with statewide strategic goals and objectives, and performance targets and measures.

(Pub. L. 90-351, title I, §2988, as added Pub. L. 107-273, div. C, title I, §11027(b), Nov. 2, 2002, 116 Stat. 1835.)

**§ 3797y-4. Authorization of appropriations**

There are authorized to be appropriated \$10,000,000 to carry out this subchapter for each of fiscal years 2003, 2004, and 2005.

(Pub. L. 90-351, title I, §2989, as added Pub. L. 107-273, div. C, title I, §11027(b), Nov. 2, 2002, 116 Stat. 1835.)

SUBCHAPTER XIX—ADULT AND JUVENILE  
COLLABORATION PROGRAM GRANTS

§ 3797aa. Adult and juvenile collaboration programs

(a) Definitions

In this section, the following definitions shall apply:

(1) Applicant

The term “applicant” means States, units of local government, Indian tribes, and tribal organizations that apply for a grant under this section.

(2) Collaboration program

The term “collaboration program” means a program to promote public safety by ensuring access to adequate mental health and other treatment services for mentally ill adults or juveniles that is overseen cooperatively by—

- (A) a criminal or juvenile justice agency or a mental health court; and
- (B) a mental health agency.

(3) Criminal or juvenile justice agency

The term “criminal or juvenile justice agency” means an agency of a State or local government or its contracted agency that is responsible for detection, arrest, enforcement, prosecution, defense, adjudication, incarceration, probation, or parole relating to the violation of the criminal laws of that State or local government.

(4) Diversion and alternative prosecution and sentencing

(A) In general

The terms “diversion” and “alternative prosecution and sentencing” mean the appropriate use of effective mental health treatment alternatives to juvenile justice or criminal justice system institutional placements for preliminarily qualified offenders.

(B) Appropriate use

In this paragraph, the term “appropriate use” includes the discretion of the judge or supervising authority, the leveraging of graduated sanctions to encourage compliance with treatment, and law enforcement diversion, including crisis intervention teams.

(C) Graduated sanctions

In this paragraph, the term “graduated sanctions” means an accountability-based graduated series of sanctions (including incentives, treatments, and services) applicable to mentally ill offenders within both the juvenile and adult justice system to hold individuals accountable for their actions and to protect communities by providing appropriate sanctions for inducing law-abiding behavior and preventing subsequent involvement in the criminal justice system.

(5) Mental health agency

The term “mental health agency” means an agency of a State or local government or its contracted agency that is responsible for mental health services or co-occurring mental health and substance abuse services.

(6) Mental health court

The term “mental health court” means a judicial program that meets the requirements of subchapter XII–J of this chapter.

(7) Mental illness

The term “mental illness” means a diagnosable mental, behavioral, or emotional disorder—

(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

(B)(i) that, in the case of an adult, has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities; or

(ii) that, in the case of a juvenile, has resulted in functional impairment that substantially interferes with or limits the juvenile’s role or functioning in family, school, or community activities.

(8) Nonviolent offense

The term “nonviolent offense” means an offense that does not have as an element the use, attempted use, or threatened use of physical force against the person or property of another or is not a felony that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(9) Preliminarily qualified offender

The term “preliminarily qualified offender” means an adult or juvenile accused of a nonviolent offense who—

(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness or co-occurring mental illness and substance abuse disorders; or

(ii) manifests obvious signs of mental illness or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; and

(B) has faced, is facing, or could face criminal charges for a misdemeanor or nonviolent offense and is deemed eligible by a diversion process, designated pretrial screening process, or by a magistrate or judge, on the ground that the commission of the offense is the product of the person’s mental illness.

(10) Secretary

The term “Secretary” means the Secretary of Health and Human Services.

(11) Unit of local government

The term “unit of local government” means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, including a State court, local court, or a governmental agency located within a city, county, township, town, borough, parish, or village.

(b) Planning and implementation grants

(1) In general

The Attorney General, in consultation with the Secretary, may award nonrenewable