

§ 10462. 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, court, or local government entity that the conditions of section 10461(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 10461(c)(4)² 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 10461(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 victim service providers and, as appropriate, population specific organizations 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 10461(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 suc-

cessful 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; Pub. L. 113-4, title I, §102(a)(2), Mar. 7, 2013, 127 Stat. 72.)

REFERENCES IN TEXT

Subsection 10461(c)(4) of this title, referred to in subsection (a)(1)(B), which probably should be a reference to "section 10461(c)(4) of this title", was redesignated section 10461(c)(1)(D) of this title by Pub. L. 113-4, title I, §102(a)(1)(B)(vi), Mar. 7, 2013, 127 Stat. 72.

CODIFICATION

Section was formerly classified to section 3796hh-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

AMENDMENTS

2013—Subsec. (a)(1). Pub. L. 113-4, §102(a)(2)(A), inserted "court," after "tribal government," in introductory provisions.

Subsec. (a)(4). Pub. L. 113-4, §102(a)(2)(B), substituted "victim service providers and, as appropriate, population specific organizations" for "nonprofit, private sexual assault and domestic violence programs".

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 2013 AMENDMENT

Amendment by Pub. L. 113-4 not effective until the beginning of the fiscal year following Mar. 7, 2013, see section 4 of Pub. L. 113-4, set out as a note under section 2261 of Title 18, Crimes and Criminal Procedure.

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 10261 of this title.

§ 10463. 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.)

¹ So in original. Probably should be "section".

² See References in Text note below.

CODIFICATION

Section was formerly classified to section 3796hh-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 10464. 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.)

CODIFICATION

Section was formerly classified to section 3796hh-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 10465. Definitions and grant conditions

In this subchapter the definitions and grant conditions in section 12291 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.)

CODIFICATION

Section was formerly classified to section 3796hh-4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

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).

SUBCHAPTER XXI—MENTAL HEALTH COURTS

§ 10471. 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, or court-ordered assisted outpatient treatment when the court has determined such treatment to be necessary;

(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; amended Pub. L. 114-255, div. B, title XIV, §14002(a), Dec. 13, 2016, 130 Stat. 1288.)

CODIFICATION

Section was formerly classified to section 3796ii of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 2201 of title I of Pub. L. 90-351, 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.

Another prior section 2201 of Pub. L. 90-351 was renumbered section 2601 and is classified to section 10541 of this title.

AMENDMENTS

2016—Par. (2)(B). Pub. L. 114-255 inserted before period at end “; or court-ordered assisted outpatient treatment when the court has determined such treatment to be necessary”.

FEDERAL DRUG AND MENTAL HEALTH COURTS

Pub. L. 114-255, div. B, title XIV, §14003, Dec. 13, 2016, 130 Stat. 1289, provided that:

“(a) DEFINITIONS.—In this section—

“(1) the term ‘eligible offender’ means a person who—

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

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

“(B) comes into contact with the criminal justice system or is arrested or charged with an offense that is not—

“(i) a crime of violence, as defined under applicable State law or in section 3156 of title 18, United States Code; or

“(ii) a serious drug offense, as defined in section 924(e)(2)(A) of title 18, United States Code; and

“(C) is determined by a judge to be eligible; and

“(2) the term ‘mental illness’ means a diagnosable mental, behavioral, or emotional disorder—