

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—