

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2065

H.P. 1562

House of Representatives, January 11, 2002

**An Act to Implement the Recommendations of the Committee to Study
the Needs of Persons with Mental Illness who are Incarcerated Relating
to Diversion from Jails and Prisons.**

Reported by Speaker SAXL for the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated pursuant to Joint Order 2001, H.P. 1383.

Reference to the Joint Standing Committee on Criminal Justice suggested and printing ordered under Joint Rule 218.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. Examination of ride-along programs. The Department of Behavioral and Developmental Services shall examine the efficiency and effectiveness of its "ride-along" program, in which specially trained intensive case managers ride along with police officers to assist in dealing with crisis situations involving persons with mental illness. The department shall attempt to quantify the results of the program and determine whether the expenditures on this program are the most effective use of resources in addressing the needs of persons with mental illness in their interaction with law enforcement. The examination must clearly identify the goals of the program and assess whether the program is meeting those goals. The department shall report the results of its examination together with any recommendations to the joint standing committee of the Legislature having jurisdiction over criminal justice matters no later than January 30, 2003, which may report out legislation in response to the report to the First Regular Session of the 121st Legislature.

Sec. A-2. Appropriations and allocations. The following appropriations and allocations are made.

**BEHAVIORAL AND DEVELOPMENTAL
SERVICES, DEPARTMENT OF**

Mental Health Services - Community

New Initiative: Provides funds for 2 Intensive Case Manager positions to ride with police officers to help in dealing with crisis situations involving persons with mental illness. This request will generate \$35,082 in General Fund revenue in fiscal year 2002-03.

General Fund	2002-03
Positions - Legislative Count	(2,000)
Personal Services	\$87,820

Regional Operations

New Initiative: Provides funds for the overhead costs for 2 Intensive Case Manager positions to ride with police officers to help in dealing with crisis situations involving persons with mental illness.

General Fund	2002-03
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All Other

\$20,000

DEPARTMENT OF BEHAVIORAL AND
DEVELOPMENTAL SERVICES
TOTAL

\$107,820

PART B

Sec. B-1. 34-B MRSA §1219, sub-§3 is enacted to read:

3. Court-based diversion program. The department shall develop a program to facilitate the diversion of persons with mental illness away from incarceration. The department shall designate at least one liaison to the District Courts within each of the prosecutorial districts established under Title 30-A, section 254 to work with district attorneys, defense attorneys, judges, bail commissioners and others to help develop and design plans for meeting the needs of persons with mental illness and diverting them away from incarceration.

By January 30th of each year, beginning in 2003, the department shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters on the department's implementation of the diversion program developed pursuant to this subsection.

Sec. B-2. Appropriations and allocations. The following appropriations and allocations are made.

BEHAVIORAL AND DEVELOPMENTAL
SERVICES, DEPARTMENT OF

Mental Health Services - Community

New Initiative: Provides funds for 8 Intensive Case Manager positions and 8 Clerk III positions to aid District Courts in diverting persons with mental illness away from incarceration and to appropriate mental health services. This request will generate \$242,282 in General Fund revenue in fiscal year 2002-03.

General Fund

2002-03

Positions - Legislative Count

(16,000)

Personal Services

\$606,493

Regional Operations

New Initiative: Provides funds for the overhead costs for 8 Intensive Case Manager positions and 8 Clerk III positions to aid

2 District Courts in diverting persons with mental illness away
from incarceration and to appropriate mental health services.

4 **General Fund** **2002-03**
All Other \$160,000

6
8 **DEPARTMENT OF BEHAVIORAL AND**
DEVELOPMENTAL SERVICES
10 **TOTAL** \$766,493

12 **Sec. B-3. Appropriations and allocations.** The following
appropriations and allocations are made.

14 **BEHAVIORAL AND DEVELOPMENTAL**
16 **SERVICES, DEPARTMENT OF**

18 **Mental Health Services - Community**

20 New Initiative: Provides funds for community mental health
services for diverted individuals.

22 **General Fund** **2002-03**
All Other \$1,262,563

24 **Mental Health Services - Community Medicaid**

26 New Initiative: Provides funds for community mental health
28 services for diverted individuals.

30 **General Fund** **2002-03**
All Other \$1,495,999

32 **Mental Health Services - Community**

34 New Initiative: Provides funds for psychiatric inpatient
36 treatment for diverted individuals.

38 **General Fund** **2002-03**
All Other \$453,721

40 **Mental Health Services - Community Medicaid**

42 New Initiative: Provides funds for psychiatric inpatient
44 treatment for diverted individuals.

46 **General Fund** **2002-03**
All Other \$537,610

48 **DEPARTMENT OF BEHAVIORAL AND**
50 **DEVELOPMENTAL SERVICES**

TOTAL	\$3,749,893
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Sec. B-4. Appropriations and allocations. The following appropriations and allocations are made.

**BEHAVIORAL AND DEVELOPMENTAL
SERVICES, DEPARTMENT OF**

Mental Health Services - Community Medicaid

New Initiative: Allocates federal matching funds for community mental health services for diverted individuals.

General Fund	2002-03
All Other	\$2,980,360

Mental Health Services - Community Medicaid

New Initiative: Allocates federal matching funds for psychiatric inpatient treatment for diverted individuals.

General Fund	2002-03
All Other	\$1,071,037

**DEPARTMENT OF BEHAVIORAL AND
DEVELOPMENTAL SERVICES**

TOTAL	\$4,051,397
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PART C

Sec. C-1. Mental illness training for judiciary, jail staff and others.

The Department of Behavioral and Developmental Services shall establish a research-based training program designed to increase awareness of the needs of persons with mental illness within the criminal justice system. The training must be made available to trial judges, jail staff and others within the criminal justice system who do not currently receive such training. The department shall provide, no later than January 30, 2003, a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters on the development and implementation of the training program.

Sec. C-2. Appropriations and allocations. The following appropriations and allocations are made.

**BEHAVIORAL AND DEVELOPMENTAL
SERVICES, DEPARTMENT OF**

Mental Health Services - Community

2 New Initiative: Provides funds to establish training programs
4 regarding mental illness awareness and understanding within the
criminal justice system.

6	General Fund	2002-03
8	All Other	\$50,000

10 **PART D**

12 **Sec. D-1. Appropriations and allocations.** The following
14 appropriations and allocations are made.

16 **BEHAVIORAL AND DEVELOPMENTAL
SERVICES, DEPARTMENT OF**

18 **Mental Health Services - Community**

20 New Initiative: Provides funds for one Intensive Case Manager
22 position to serve as a criminal justice liaison to consult with
jails and the Department of Corrections on issues relating to the
24 diversion of persons with mental illness away from an
incarcerated setting. This request will generate \$17,452 in
General Fund revenue in fiscal year 2002-03.

26	General Fund	2002-03
28	Positions - Legislative Count	(1,000)
30	Personal Services	\$43,910
32	All Other	10,000
34	 Total	 \$53,910

36 **SUMMARY**

38 This bill implements the recommendations of the Committee to
Study the Needs of Persons with Mental Illness Who Are
40 Incarcerated relating to diversion from prisons and jails.