

118TH CONGRESS
1ST SESSION

H. R. 5258

To authorize the Attorney General to make grants to protection and advocacy systems to address the needs of individuals with disabilities involved in the local, State, and Federal criminal justice system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 22, 2023

Ms. ROSS (for herself and Ms. SCANLON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize the Attorney General to make grants to protection and advocacy systems to address the needs of individuals with disabilities involved in the local, State, and Federal criminal justice system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protection and Advo-
5 cacy for Criminal Legal Services Act”.

1 **SEC. 2. NATIONAL CRIMINAL JUSTICE PROTECTION AND**
2 **ADVOCACY GRANT PROGRAM.**

3 (a) AUTHORIZATION.—The Attorney General, acting
4 through the Assistant Attorney General of the Office of
5 Justice Programs, is authorized to make grants to protec-
6 tion and advocacy systems for the purpose of addressing
7 the needs of individuals with disabilities involved with the
8 local, State, and Federal criminal justice system, includ-
9 ing—

10 (1) making sure individuals with disabilities are
11 not inappropriately placed in the local, State, and
12 Federal criminal justice system;

13 (2) representing and advocating for the rights
14 of individuals with disabilities who are under arrest,
15 incarcerated, or under pre-trial or post-sentencing
16 supervision; and

17 (3) ensuring that adequate re-entry planning is
18 available for successful reintegration of individuals
19 with disabilities back into the community after in-
20 carceration in order to decrease recidivism rates
21 among individuals with disabilities.

22 (b) USES OF FUNDS.—A protection and advocacy
23 system may use a grant under this section to—

24 (1) monitor whether local, State, and Federal
25 law enforcement officers have violated the constitu-
26 tional or statutory rights of individuals with disabil-

1 ities who are under arrest, incarcerated, or under
2 pre-trial or post-sentencing supervision, and identify
3 any conditions of incarceration or practices of any
4 such law enforcement officers that unlawfully dis-
5 criminate against such individuals with disabilities;

6 (2) provide information and training on the
7 constitutional and statutory rights of individuals
8 with disabilities, including under the Americans with
9 Disabilities Act, the Rehabilitation Act of 1973, and
10 hate crime statutes, and on services and diversion
11 programs for such individuals made available by ap-
12 plicable criminal justice systems to—

13 (A) incarcerated individuals with disabil-
14 ities;

15 (B) the families of such individuals;

16 (C) correctional facility staff (including
17 correctional officers, administrators, and med-
18 ical personnel);

19 (D) individuals with disabilities who are
20 victims of or witnesses to crimes; and

21 (E) judges, court personnel, and lawyers;

22 (3) provide training to law enforcement per-
23 sonnel and correctional facility staff (including cor-
24 rectional officers, administrators, and medical per-
25 sonnel) regarding the referral of individuals with dis-

1 abilities for services, the signs and symptoms of
2 mental illness, communicating with individuals with
3 disabilities, and alternatives to secure confinement,
4 solitary confinement, and other forms of restrictive
5 housing;

6 (4) provide training to law enforcement per-
7 sonnel and correctional facility staff (including cor-
8 rectional officers, administrators, and medical per-
9 sonnel) regarding evidence-based rehabilitation and
10 diversion strategies and programs to reduce recidi-
11 vism among individuals with disabilities; and

12 (5) advocate for safe and humane conditions of
13 confinement and the elimination of dangerous prac-
14 tices in the incarceration of individuals with disabil-
15 ities.

16 (c) ELIGIBILITY.—In order to be eligible for a grant
17 under this section, a protection and advocacy system shall
18 meet all of the requirements described in section 143(a)(2)
19 of the Developmental Disabilities Assistance and Bill of
20 Rights Act of 2000 (42 U.S.C. 15043(a)(2)).

21 (d) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) IN GENERAL.—There is authorized to be
23 appropriated to carry out this section—

24 (A) \$7,000,000 for fiscal year 2024;

25 (B) \$9,000,000 for fiscal year 2025;

- 1 (C) \$11,000,000 for fiscal year 2026;
2 (D) \$13,000,000 for fiscal year 2027; and
3 (E) \$15,000,000 for fiscal year 2028.

4 (2) APPROPRIATIONS LESS THAN \$6,200,000.—

5 (A) IN GENERAL.—With respect to any fis-
6 cal year in which the amount appropriated to
7 carry out this section is less than \$6,200,000,
8 the Attorney General shall make grants from
9 such amount to protection and advocacy sys-
10 tems that apply for a grant under this section.

11 (B) GRANT AMOUNT.—Subject to the
12 availability of appropriations, the amount of a
13 grant shall not be less than—

14 (i) \$110,000 for a protection and ad-
15 vocacy system located in one of the several
16 States, the District of Columbia, or the
17 Commonwealth of Puerto Rico; and

18 (ii) \$55,000 for a protection and ad-
19 vocacy system located in American Samoa,
20 the Commonwealth of the Northern Mar-
21 iana Islands, Guam, the United States Vir-
22 gin Islands, or the American Indian Con-
23 sortium.

24 (3) APPROPRIATIONS OF \$6,200,000 OR MORE.—

1 (A) IN GENERAL.—With respect to any fis-
2 cal year in which the amount appropriated to
3 carry out this section is not less than
4 \$6,200,000, the Administrator shall make
5 grants from such amount not later than Octo-
6 ber 1 of the fiscal year to protection and advo-
7 cacy systems.

8 (B) AMOUNT OF GRANT.—The amount of
9 a grant to a protection and advocacy system
10 shall be equal to an amount bearing the same
11 ratio to the total amount appropriated for the
12 fiscal year involved as the population of the
13 State in which the grantee is located bears to
14 the population of all States.

15 (C) MINIMUMS.—The amount of a grant
16 shall not be less than—

17 (i) \$110,000 for a protection and ad-
18 vocacy system located in one of the several
19 States, the District of Columbia, or the
20 Commonwealth of Puerto Rico; and

21 (ii) \$55,000 for a protection and ad-
22 vocacy system located in American Samoa,
23 the Commonwealth of the Northern Mar-
24 iana Islands, Guam, the United States Vir-

1 gin Islands, or the American Indian Con-
2 sortium.

3 (D) ADJUSTMENT.—For each fiscal year
4 in which the total amount appropriated to carry
5 out this section is \$9,000,000 or more, and
6 such appropriated amount exceeds the total
7 amount appropriated to carry out this section
8 in the preceding fiscal year, the Attorney Gen-
9 eral shall increase each of the minimum grant
10 amounts described by a percentage equal to the
11 percentage increase in the total amount appro-
12 priated under this subsection during the pre-
13 ceding fiscal year and the fiscal year involved.

14 (e) CARRYOVER.—Any amounts made available to a
15 protection and advocacy system for a fiscal year under this
16 section shall remain available for one additional year.

17 (f) PROGRAM INCOME.—Program income generated
18 from the amount paid to an eligible protection and advo-
19 cacy system for a fiscal year shall remain available to such
20 system until expended and be considered an addition to
21 the grant.

22 (g) ANNUAL REPORT.—Each protection and advo-
23 cacy system that receives a grant under this section shall
24 submit an annual report to the Attorney General con-
25 cerning the services provided protecting and advocating

1 for the needs of people with disabilities involved with the
2 local, State, and Federal criminal justice system.

3 (h) ADMINISTRATIVE, REPORTING, AND OVERSIGHT
4 REQUIREMENTS.—To the greatest extent practicable, re-
5 porting, monitoring, program financing, and other admin-
6 istrative and oversight requirements established by the At-
7 torney General under this section shall be consistent with
8 the other administrative, reporting, and oversight require-
9 ments for a protection and advocacy system.

10 (i) ANNUAL COST OF LIVING ADJUSTMENT.—Begin-
11 ning on October 1, 2024, the amounts specified under sub-
12 section (d) shall at least be increased by the amount of
13 increase in the Consumer Price Index for the preceding
14 12-month period.

15 (j) TECHNICAL ASSISTANCE.—The Administrator
16 shall make an annual grant, in an amount of \$50,000 or
17 4 percent of the total amount appropriated under sub-
18 section (d), whichever is greater, to an eligible national
19 association for the provision of training and technical as-
20 sistance in connection with grants awarded to protection
21 and advocacy systems under this section.

22 (k) DEFINITIONS.—In this Act:

23 (1) The term “protection and advocacy system”
24 means a protection and advocacy system established
25 pursuant to section 143 of the Developmental Dis-

1 abilities Assistance and Bill of Rights Act of 2000
2 (42 U.S.C. 15043).

3 (2) The term “American Indian consortium”
4 has the meaning given the term in section 102 of the
5 Developmental Disabilities Assistance and Bill of
6 Rights Act of 2000 (42 U.S.C. 15002).

7 (3) The term “diversion” means a process of
8 screening individuals, particularly individuals with
9 disabilities and individuals with substance use dis-
10 orders, who are arrested or prosecuted for conduct
11 in which the individual engaged as a result of their
12 disabilities or substance use disorder, which may in-
13 clude developing agreements with law enforcement,
14 prosecutors, judges, or other criminal justice system
15 personnel, to support the provision of community-
16 based services in lieu of prosecution, and to prevent
17 inappropriate incarceration of individuals with dis-
18 abilities.

19 (4) The term “eligible national association”
20 means a national disability association with exten-
21 sive and demonstrated experience providing training
22 and technical assistance to protection and advocacy
23 systems that monitor the rights of people with dis-
24 abilities.

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