

SENATE BILL NO. 638

September 14, 2021, Introduced by Senators OUTMAN, CHANG, WOJNO, IRWIN, BRINKS, HOLLIER, POLEHANKI, BULLOCK, VICTORY, DALEY, MACDONALD, LASATA, HORN, VANDERWALL, NESBITT, RUNESTAD, GEISS and SCHMIDT and referred to the Committee on Health Policy and Human Services.

A bill to amend 1974 PA 258, entitled
"Mental health code,"
(MCL 330.1001 to 330.2106) by adding sections 207c and 207d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 **Sec. 207c. (1) The jail diversion fund is created within the**
2 **state treasury.**
- 3 **(2) The state treasurer may receive money or other assets from**
4 **any source for deposit into the fund. The state treasurer shall**
5 **direct the investment of the fund. The state treasurer shall credit**

1 to the fund interest and earnings from fund investments.

2 (3) Money in the fund at the close of the fiscal year must
3 remain in the fund and must not lapse to the general fund.

4 (4) The department of treasury shall be the administrator of
5 the fund for auditing purposes.

6 (5) The department shall expend money from the fund, upon
7 appropriation, for the following purposes:

8 (a) Making grant distributions as provided in sections 207d
9 and 207f.

10 (b) Contracting with an independent organization to evaluate
11 grant recipients.

12 (c) Paying the reasonable expenses of staff services to
13 administer and enforce the statutory requirements of the grant
14 fund.

15 Sec. 207d. (1) Subject to appropriation to the jail diversion
16 fund under section 207c, the department shall create a behavioral
17 health jail diversion grant program, using half of appropriated
18 funds, to provide competitive grants to assist local units of
19 government that apply according to the criteria outlined in this
20 section.

21 (2) The department shall distribute grants to local units of
22 government to establish or expand behavioral health jail diversion
23 programs in coordination between community agencies and law
24 enforcement agencies.

25 (3) The department must give priority to local units of
26 government in counties without an urbanized area of at least 50,000
27 people and to programs that adhere to best practices as identified
28 by the council.

29 (4) Grant applications may be made by any applicable local

1 unit of government and must be distributed to local units of
2 government using a prospective payment methodology.

3 (5) Each local unit of government receiving a grant under this
4 section must provide to the department a copy of a memorandum of
5 understanding between the involved community agencies and law
6 enforcement agencies that delineates how the agencies will be
7 coordinated.

8 (6) The department must create an application process with
9 selection criteria for grants under subsection (3) and a grant
10 dispersal process under subsection (4). The department must post
11 the application process, selection criteria, and grant dispersal
12 process on the department's website.

13 (7) The department must seek federal authority as outlined
14 under section 9813 of the American rescue plan act of 2021, Public
15 Law 117-2, to utilize enhanced federal Medicaid matching funds for
16 the operation of eligible programs receiving grants under this
17 section as long as that funding is available.

18 (8) Each year, a local unit of government that receives a
19 grant under this section must cooperate with an organization,
20 selected by the department, to describe and evaluate the activities
21 and results of the local unit of government related to grant
22 dollars disbursed under this section. The department may utilize a
23 portion of funding appropriated to the jail diversion fund to
24 contract with an independent organization to fulfill this
25 requirement.

26 (9) The department or evaluating organization must determine
27 the specific metrics required in the report and notify the local
28 units of government at the time of the first grant disbursement.

29 (10) Not later than September 30, 2023 and annually after

1 that, the department must compile and submit an annual report to
2 the senate and house appropriations subcommittees on the department
3 budget, the senate and house fiscal agencies, the senate and house
4 policy offices, and the state budget office, and publish a copy of
5 the report on its internet website. The report must contain all of
6 the following for the immediately preceding fiscal year:

7 (a) The name of each local unit of government that received a
8 grant and the total amount of the grant.

9 (b) Details about any subgrant disbursed by each local unit of
10 government that received a grant under this section.

11 (c) An analysis of the activities undertaken by grant
12 recipients as part of their project.

13 (d) An appropriate summary of metrics reported by grant
14 recipients as required under subsection (8).

15 (11) The responsibilities of the department under this section
16 include all of the following:

17 (a) Create the behavioral health jail diversion grant program,
18 review grant applications, and distribute grants.

19 (b) Determine appropriate staffing and resource allocation for
20 grant review, administration, and other duties.

21 (c) Coordinate with the council to determine appropriate
22 staffing and resource allocation for grant review, administration,
23 and other duties.

24 (d) Manage external evaluation and ensure that metrics are
25 collected by grant recipients in order to determine program results
26 and inform best practices.

27 (e) Provide technical assistance and coordination, and
28 facilitate sharing of best practices among grant recipients.

29 (12) As used in this section:

1 (a) "Behavioral health disorder" means a mental illness or
2 substance use disorder, whether or not the mental illness or
3 substance use disorder has been formally diagnosed.

4 (b) "Behavioral health jail diversion program" means a program
5 under which an individual with a behavioral health disorder who
6 otherwise would have been arrested or processed through the
7 traditional criminal justice system is instead rerouted away from
8 the criminal justice system, pre-arrest or post-arrest and before
9 jail incarceration or conviction.

10 (c) "Community agency" means a public or private agency or
11 organization that provides services toward preventing, improving,
12 or resolving health, mental health, social, or environmental
13 problems that affect individuals, families, specific groups, or
14 communities, including a community mental health agency.

15 (d) "Council" means the mental health diversion council
16 established under the department or another council or body as
17 determined appropriate by the department.

18 (e) "Local unit of government" means a city, village,
19 township, or county or a delegate of a city, village, township, or
20 county for the purpose of grant application and implementation.

21 Enacting section 1. This amendatory act does not take effect
22 unless Senate Bill No. 637 of the 101st Legislature is enacted into
23 law.