IN THE SENATE OF THE UNITED STATES

MARCH 24, 2009

Mr. LEAHY (for himself, Mr. SPECTER, Mr. KOHL, Mr. DURBIN, Ms. COLLINS, Ms. SNOWE, Mr. CARDIN, and Mr. FRANKEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

DECEMBER 17, 2009

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009."
SEC. 1. SHORT TITLE.

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TITLE I—FINDINGS AND DECLARATION OF PURPOSE

SEC. 101. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

"SEC. 101. FINDINGS.

"Congress finds the following:
(1) A growing body of adolescent development research supports the use of developmentally appropriate services and sanctions for youth in the juvenile justice system and those at risk for delinquent behavior to help prevent youth crime and to successfully intervene with youth who have already entered the system.

(2) Research has shown that targeted investments to redirect offending juveniles onto a different path are cost effective and can help reduce juvenile recidivism and adult crime.

(3) Minorities are disproportionately represented in the juvenile justice system.

(4) Between 1990 and 2004, the number of youth in adult jails increased by 208 percent.

(5) Every day in the United States, an average of 7,500 youth are incarcerated in adult jails.

(6) Youth who have been previously tried as adults are, on average, 34 percent more likely to commit crimes than youth retained in the juvenile justice system.

(7) Research has shown that every dollar spent on evidence-based programs can yield up to $1.3 in cost savings.
(8) Each child prevented from engaging in repeat criminal offenses can save the community $1,700,000 to $3,400,000.

(9) Youth are 19 times more likely to commit suicide in jail than youth in the general population and 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility.

(10) Seventy percent of youth in detention are held for nonviolent charges, and more than 2/3 are charged with property offenses, public order offenses, technical probation violations, or status offenses, such as truancy, running away, or breaking curfew.

(11) The prevalence of mental disorders among youth in juvenile justice systems is 2 to 3 times higher than among youth in the general population.

(12) Eighty percent of juveniles in juvenile justice systems have a nexus to substance abuse.

(13) The proportion of girls entering the justice system has increased steadily over the past several decades, rising from 20 percent in 1980 to 29 percent in 2003.”
SEC. 102. PURPOSES.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting '; and'; and

(3) by adding at the end the following:

"(4) to support a continuum of programs (including delinquency prevention, intervention, mental health and substance abuse treatment, and aftercare) to address the needs of at-risk youth and youth who come into contact with the justice system.".

SEC. 103. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (8), by amending subparagraph (C) to read as follows:

"(C) an Indian tribe; or";

(2) by amending paragraph (18) to read as follows:

"(18) the term ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);";
(3) in paragraph (22), by striking "or confine adults:" and all that follows and inserting "or confine adult inmates;";

(4) in paragraph (25), by striking "contact" and inserting "sight and sound contact;"

(5) by amending paragraph (26) to read as follows:

"(26) the term 'adult inmate'—

"(A) means an individual who—

"(i) has reached the age of full criminal responsibility under applicable State law; and

"(ii) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal charge offense; and

"(B) does not include an individual who—

"(i) at the time of the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable State law; and

"(ii) was committed to the care and custody of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable State law;";
(6) in paragraph (28), by striking “and” at the end;

(7) in paragraph (29), by striking the period at the end and inserting a semicolon; and

(8) by adding at the end the following:

“(30) the term ‘core requirements’ means the requirements described in paragraphs (11), (12), (13), and (15) of section 223(a);

“(31) the term ‘chemical agent’ means a spray used to temporarily incapacitate a person, including oleoresin capsicum spray, tear gas, and 2-chlorobenzalmalononitrile gas;

“(32) the term ‘isolation’—

“(A) means any instance in which a youth is confined alone for more than 15 minutes in a room or cell; and

“(B) does not include confinement during regularly scheduled sleeping hours, or for not more than 1 hour during any 24-hour period in the room or cell in which the youth usually sleeps; protective confinement (for injured youths or youths whose safety is threatened), separation based on an approved treatment program, confinement that is requested by the youth, or the separation of the youth from a
group in a non-locked setting for the purpose of calming;

(33) the term ‘restraint’ has the meaning given that term in section 591 of the Public Health Service Act (42 U.S.C. 290ii);

(34) the term ‘evidence based’ means a program or practice that is demonstrated to be effective and that—

(A) is based on a clearly articulated and empirically supported theory;

(B) has measurable outcomes, including a detailed description of what outcomes were produced in a particular population; and

(C) has been scientifically tested, optimally through randomized control studies or comparison group studies;

(35) the term ‘promising’ means a program or practice that is demonstrated to be effective based on positive outcomes from 1 or more objective evaluations, as documented in writing to the Administrator;

(36) the term ‘dangerous practice’ means an act, procedure, or program that creates an unreasonable risk of physical injury, pain, or psychological
harm to a juvenile subjected to the act, procedure, or program;

**(37)** the term ‘screening’ means a brief process—

**(A)** designed to identify youth who may have mental health or substance abuse needs requiring immediate attention, intervention, and further evaluation; and

**(B)** the purpose of which is to quickly identify a youth with a possible mental health or substance abuse need in need of further assessment;

**(38)** the term ‘assessment’ includes, at a minimum, an interview and review of available records and other pertinent information—

**(A)** by a mental health or substance abuse professional who meets the criteria of the applicable State for licensing and education in the mental health or substance abuse field; and

**(B)** which is designed to identify significant mental health or substance abuse treatment needs to be addressed during a youth’s confinement; and

**(39)** the term ‘contact’ means the point at which a youth interacts with the juvenile justice sys-
tem or criminal justice system, including interaction
with a juvenile justice, juvenile court, or law enforce-
ment official, and including brief, sustained, or re-
peated interaction.”.

**TITLE II—JUVENILE JUSTICE**
**AND DELINQUENCY PREVEN-
TION**

**SEC. 201. CONCENTRATION OF FEDERAL EFFORTS.**

Section 204(a)(2)(B)(i) of the Juvenile Justice and
Delinquency Prevention Act of 1974 (42 U.S.C.
5614(a)(2)(B)(i)) is amended by striking “240 days after
the date of enactment of this paragraph” and inserting
“July 2, 2009”.

**SEC. 202. COORDINATING COUNCIL ON JUVENILE JUSTICE**
**AND DELINQUENCY PREVENTION.**

Section 206 of the Juvenile Justice and Delinquency
Prevention Act of 1974 (42 U.S.C. 5616) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “the Administrator of
the Substance Abuse and Mental Health
Services Administration, the Secretary of
Defense, the Secretary of Agriculture,”
after “the Secretary of Health and Human
Services,”; and
(ii) by striking “Commissioner of Immigration and Naturalization” and inserting “Assistant Secretary for Immigration and Customs Enforcement”; and

(B) in paragraph (2)(A), by inserting “(including at least 1 representative from the mental health fields)” after “field of juvenile justice”; and

(2) in subsection (e)—

(A) in paragraph (1), by striking “paragraphs (12)(A), (13), and (14) of section 223(a) of this title” and inserting “the core requirements”; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting “on an annual basis” after “collectively”;

(ii) in subparagraph (A), by striking “and” at the end;

(iii) in subparagraph (B),

(I) by striking “180 days after the date of the enactment of this paragraph” and inserting “May 3, 2009”;
(II) by striking "Committee on Education and the Workforce" and inserting "Committee on Education and Labor"; and

(III) by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(C) not later than 120 days after the completion of the last meeting in any fiscal year, submit to Congress a report regarding the recommendations described in subparagraph (A), which shall—

"(i) include a detailed account of the activities conducted by the Council during the fiscal year, including a complete detailed accounting of expenses incurred by the Coordinating Council to conduct operations in accordance with this section;

"(ii) be published on the websites of the Department of Justice and the Coordinating Council; and

"(iii) be in addition to the annual report required by section 207."
Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in the matter preceding paragraph (1), by striking "a fiscal year" and inserting "each fiscal year";

(2) in paragraph (1)—

(A) in subparagraph (B), by inserting "; ethnicity," after "race";

(B) in subparagraph (E), by striking "and" at the end;

(C) in subparagraph (F)—

(i) by inserting "and other" before "disabilities,"; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(G) a summary of data from 1 month of the applicable fiscal year of the use of restraints and isolation upon juveniles held in the custody of secure detention and correctional facilities operated by a State or unit of local government;"

"(H) the number of juveniles released from custody and the type of living arrangement to which each such juvenile was released;"
"(I) the number of status offense cases petitioned to court (including a breakdown by type of offense and disposition), number of status offenders held in secure detention, the findings used to justify the use of secure detention, and the average period of time a status offender was held in secure detention; and

"(J) the number of pregnant juveniles held in the custody of secure detention and correctional facilities operated by a State or unit of local government.; and

(3) by adding at the end the following:

"(5) A description of the criteria used to determine what programs qualify as evidence based and promising programs under this title and title V and a comprehensive list of those programs the Administrator has determined meet such criteria.

"(6) A description of funding provided to Indian tribes under this Act, including direct Federal grants and funding provided to Indian tribes through a State or unit of local government.

"(7) An analysis and evaluation of the internal controls at Office of Juvenile Justice and Delinquency Prevention to determine if grantees are following the requirements of Office of Juvenile Justice
and Delinquency Prevention grant programs and what remedial action Office of Juvenile Justice and Delinquency Prevention has taken to recover any grant funds that are expended in violation of the grant programs; including instances where supporting documentation was not provided for cost reports, where unauthorized expenditures occurred, and where subrecipients of grant funds were not compliant with program requirements.

"(8) An analysis and evaluation of the total amount of payments made to grantees that were recouped by the Office of Juvenile Justice and Delinquency Prevention from grantees that were found to be in violation of policies and procedures of the Office of Juvenile Justice and Delinquency Prevention grant programs. This analysis shall include the full name and location of the grantee, the violation of the program found, the amount of funds sought to be recouped by the Office of Juvenile Justice and Delinquency Prevention, and the actual amount recouped by the Office of Juvenile Justice and Delinquency Prevention."

SEC. 204. ALLOCATION OF FUNDS.

(a) TECHNICAL ASSISTANCE—Section 221(b)(1) of the Juvenile Justice and Delinquency Prevention Act of
1974 (42 U.S.C. 5631(b)(1)) is amended by striking "2 percent" and inserting "5 percent."

(b) OTHER ALLOCATIONS.—Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)(1), by striking "age eighteen," and inserting "18 years of age, based on the most recent census data to monitor any significant changes in the relative population of people under 18 years of age occurring in the States;"

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

"(c)(1) If any amount allocated under subsection (a) is withheld from a State due to noncompliance with the core requirements, the funds shall be reallocated for an improvement grant designed to assist the State in achieving compliance with the core requirements.

(2) The Administrator shall condition a grant described in paragraph (1) on—

(A) the State, with the approval of the Administrator, developing specific action steps designed to restore compliance with the core requirements; and
"(B) submitting to the Administrator semi-
annually a report on progress toward implementing
the specific action steps developed under subpara-
graph (A).

"(3) The Administrator shall provide appropriate and
effective technical assistance directly or through an agree-
ment with a contractor to assist a State receiving a grant
described in paragraph (1) in achieving compliance with
the core requirements.

(4) in subsection (d), as so redesignated, by
striking "efficient administration, including moni-
toring, evaluation, and one full-time staff position" and
inserting "effective and efficient administration,
including the designation of at least 1 person to co-
ordinate efforts to achieve and sustain compliance
with the core requirements"; and

(5) in subsection (e), as so redesignated, by
striking "5 per centum of the minimum" and insert-
ing "not more than 5 percent of the".

SEC. 205. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency
Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1),
by inserting "Not later than 30 days after the
date on which a plan or amended plan sub-
mitted under this subsection is finalized, a
State shall make the plan or amended plan pub-
licly available by posting the plan or amended
plan on a publicly available website;” after
“compliance with State plan requirements;”;

(B) in paragraph (3)—

(i) in subparagraph (A)(ii)—

(I) in subclause (II), by striking
“counsel for children and youth” and
inserting “publicly supported court-
appointed legal counsel for children
and youth charged in delinquency
matters;”;

(II) in subclause (III), by strik-
ing “mental health, education, special
education” and inserting “children’s
mental health, education, child and
adolescent substance abuse, special
education, services for youth with dis-
abilities;”;

(III) in subclause (V), by strik-
ing “delinquents or potential delinquents”
and inserting “delinquent youth or
youth at risk of delinquency, including
volunteers who work with youth of
color’’;
(IV) in subclause (VII), by strik-
ing ‘‘and’’ at the end;
(V) by redesignating subclause
(VIII) as subclause (XI);
(VI) by inserting after subclause
(VII) the following:
“(VIII) the executive director or
the designee of the executive director
of a public or nonprofit entity that is
located in the State and receiving a
grant under part A of title III;
“(IX) persons with expertise and
competence in preventing and ad-
dressing mental health or substance
abuse needs in juvenile delinquents
and those at-risk of delinquency;
“(X) representatives of victim or
witness advocacy groups; and”;
and
(VII) in subclause (XI), as so re-
designated, by striking ‘‘disabilities’’
and inserting ‘‘and other disabilities;
truancy reduction or school failure’’. 
(ii) in subparagraph (D)(ii), by striking “requirements of paragraphs (11), (12), and (13)” and inserting “core requirements”; and

(iii) in subparagraph (E)(i), by adding “and” at the end;

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking “section 222(d)” and inserting “section 222(e)”; and

(ii) in subparagraph (C), by striking “Indian tribes” and all that follows through “applicable to the detention and confinement of juveniles” and inserting “Indian tribes that agree to attempt to comply with the core requirements applicable to the detention and confinement of juveniles”;

(D) in paragraph (7)(B)—

(i) by striking clause (i) and inserting the following:

“(i) a plan for ensuring that the chief executive officer of the State, State legislature, and all appropriate public agencies in the State with responsibility for provision of services to
children, youth and families are informed of the requirements of the State plan and compliance with the core requirements;”;

(ii) in clause (iii), by striking “and” at the end; and

(iii) by striking clause (iv) and inserting the following:

“(iv) a plan to provide alternatives to detention, including diversion to home-based or community-based services that are culturally and linguistically competent or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system;

“(v) a plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs;

“(vi) a plan to engage family members in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement; and

“(vii) a plan to use community-based services to address the needs of at-risk youth or
youth who have come into contact with the ju-
venile justice system;”;

(E) in paragraph (8), by striking “exist-
ing” and inserting “evidence based and prom-
ising”;

(F) in paragraph (9)—

(i) in the matter preceding subpara-
graph (A), by striking “section 222(d)” and inserting “section 222(e)”;

(ii) in subparagraph (A)(i), by insert-
ing “status offenders and other” before “youth who need”;

(iii) in subparagraph (B)(i)—

(I) by striking “parents and other family members” and inserting “status offenders, other youth, and the parents and other family members of such offenders and youth”; and

(II) by striking “be retained” and inserting “remain”;

(iv) by redesignating subparagraphs (G) through (S) as subparagraphs (J) through (V), respectively;
(v) by redesignating subparagraphs
(E) and (F) as subparagraphs (E) and
(G), respectively;

(vi) by inserting after subparagraph
(D) the following:

"(E) providing training and technical as-
sistance to, and consultation with, juvenile jus-
tice and child welfare agencies of States and
units of local government to develop coordinated
plans for early intervention and treatment of
youth who have a history of abuse and juveniles
who have prior involvement with the juvenile
justice system;";

(vii) in subparagraph (G), as so redes-
ignated, by striking "expanding" and in-
serting "programs to expand";

(viii) by inserting after subparagraph
(G), as so redesignated, the following:

"(H) programs to improve the recruitment,
selection, training, and retention of professional
personnel in the fields of medicine, law enforce-
ment, judiciary, juvenile justice, social work and
child protection, education, and other relevant
fields who are engaged in, or intend to work in,
the field of prevention, identification, and treatment of delinquency;

(I) expanding access to publicly supported, court-appointed legal counsel and enhancing capacity for the competent representation of every child;

(ix) in subparagraph (O), as so redesignated—

(I) in clause (i), by striking "restraints" and inserting "alternatives";

and

(II) in clause (ii), by striking "by the provision"; and

(x) in subparagraph (V), as so redesignated, by striking the period at the end and inserting a semicolon;

(G) in paragraph (11)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by adding "and" at the end; and

(iii) by adding at the end the following:

(C) encourage the use of community-based alternatives to secure detention, including
programs of public and nonprofit entities receiving a grant under part A of title III;”;

(H) in paragraph (12)(A), by striking “contact” and inserting “sight and sound contact”;

(I) in paragraph (13), by striking “contact” each place it appears and inserting “sight and sound contact”;

(J) by striking paragraph (22);

(K) by redesignating paragraphs (23) through (28) as paragraphs (24) through (29), respectively;

(L) by redesignating paragraphs (14) through (21) as paragraphs (16) through (23), respectively;

(M) by inserting after paragraph (13) the following:

“(14) require that—

“(A) not later than 3 years after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecu-
tion in criminal court and housed in a secure facility—

``(i) shall not have sight and sound contact with adult inmates; and
``(ii) except as provided in paragraph (13), may not be held in any jail or lockup for adults;
``(B) in determining under subparagraph (A) whether it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults; or have sight and sound contact with adult inmates; a court shall consider—
``(i) the age of the juvenile;
``(ii) the physical and mental maturity of the juvenile;
``(iii) the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;
``(iv) the nature and circumstances of the alleged offense;
``(v) the juvenile's history of prior delinquent acts;
``(vi) the relative ability of the available adult and juvenile detention facilities
to meet the specific needs of the juvenile
and to protect the public;

"(vii) whether placement in a juvenile
facility will better serve the long-term in-
terests of the juvenile and be more likely to
prevent recidivism;

"(viii) the availability of programs de-
dsigned to treat the juvenile's behavioral
problems; and

"(ix) any other relevant factor; and

"(C) if a court determines under subpara-
graph (A) that it is in the interest of justice to
permit a juvenile to be held in any jail or lock-
up for adults, or have sight and sound contact
with adult inmates—

"(i) the court shall hold a hearing not
less frequently than once every 30 days to
review whether it is still in the interest of
justice to permit the juvenile to be so held
or have such sight and sound contact; and

"(ii) the juvenile shall not be held in
any jail or lockup for adults, or permitted
to have sight and sound contact with adult
inmates, for more than 180 days, unless
the court, in writing, determines there is
good cause for an extension of the juvenile
expressly waives this limitation;

“(15) implement policy, practice, and system
improvement strategies at the State, territorial,
local, and tribal levels, as applicable, to identify and
reduce racial and ethnic disparities among youth
who come into contact with the juvenile justice sys-
tem, without establishing or requiring numerical
standards or quotas, by—

“(A) establishing coordinating bodies, com-
posed of juvenile justice stakeholders at the
State, local, or tribal levels, to oversee and mon-
itor efforts by States, units of local government,
and Indian tribes to reduce racial and ethnic
disparities;

“(B) identifying and analyzing key decision
points in State, local, or tribal juvenile justice
systems to determine which points create racial
and ethnic disparities among youth who come
into contact with the juvenile justice system;

“(C) developing and implementing data
collection and analysis systems to identify
where racial and ethnic disparities exist in the
juvenile justice system and to track and analyze
such disparities;
developing and implementing a work plan that includes measurable objectives for policy, practice, or other system changes, based on the needs identified in the data collection and analysis under subparagraphs (B) and (C); and

(E) publicly reporting, on an annual basis, the efforts made in accordance with subparagraphs (B), (C), and (D);"

(N) in paragraph (16), as so redesignated—

(i) by striking "adequate system" and inserting "effective system";

(ii) by striking "requirements of paragraph (11)," and all that follows through "monitoring to the Administrator" and inserting "the core requirements are met, and for annual reporting to the Administrator of such plan, including the results of such monitoring and all related enforcement and educational activities"; and

(iii) by striking "in the opinion of the Administrator,";

(O) in paragraph (17), as so redesignated, by inserting "ethnicity," after "race,";
(P) in paragraph (24), as so redesignated—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C)—

(I) in clause (i), by striking “and” at the end;

(II) in clause (ii), by adding “and” at the end; and

(III) by adding at the end the following:

“(iii) if such court determines the juvenile should be placed in a secure detention facility or correctional facility for violating such order—

“(I) the court shall issue a written order that—

“(aa) identifies the valid court order that has been violated;

“(bb) specifies the factual basis for determining that there is reasonable cause to believe that the juvenile has violated such order;
“(cc) includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the juvenile in such a facility, with due consideration to the best interest of the juvenile;

“(dd) specifies the length of time, not to exceed 7 days, that the juvenile may remain in a secure detention facility or correctional facility, and includes a plan for the juvenile’s release from such facility; and

“(ee) may not be renewed or extended; and

“(II) the court may not issue a second or subsequent order described in subclause (I) relating to a juvenile, unless the juvenile violates a valid court order after the date on which the court issues an order described in subclause (I);”; and

(iii) by adding at the end the following:
“(D) there are procedures in place to ensure that any juvenile held in a secure detention facility or correctional facility pursuant to a court order described in this paragraph does not remain in custody longer than 7 days or the length of time authorized by the court, which ever is shorter, and

“(E) not later than 3 years after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009 with a 1 year extension for each additional year that the State can demonstrate hardship as determined by the Administrator, the State will eliminate the use of valid court orders to provide secure lockup of status offenders;”;

(Q) in paragraph (26), as so redesignated, by striking “section 222(d)” and inserting “section 222(e)”;

(R) in paragraph (27), as so redesignated—

(i) by inserting “and in accordance with confidentiality concerns,” after “maximum extent practicable,”; and
(ii) by striking the semicolon at the
end and inserting the following: "", so as to
provide for—

"(A) a compilation of data reflecting infor-
mation on juveniles entering the juvenile justice
system with a prior reported history as victims
of child abuse or neglect through arrest, court
intake, probation and parole, juvenile detention,
and corrections; and

"(B) a plan to use the data described in
subparagraph (A) to provide necessary services
for the treatment of victims of child abuse and
neglect who have entered, or are at risk of en-
tering, the juvenile justice system;"

(S) in paragraph (28), as so redesign-
ated—

(i) by striking "establish policies" and
inserting "establish protocols, policies, pro-
cedures,"; and

(ii) by striking "and" at the end;

(T) in paragraph (29), as so redesignated,
by striking the period at the end and inserting
a semicolon; and

(U) by adding at the end the following:
"(30) provide for the coordinated use of funds provided under this Act with other Federal and State funds directed at juvenile delinquency prevention and intervention programs;

"(31) develop policies and procedures, and provide training for facility staff to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques;

"(32) describe—

"(A) how the State will ensure that mental health and substance abuse screening, assessment, referral, and treatment for juveniles in the juvenile justice system includes efforts to implement an evidence-based mental health and substance abuse disorder screening and assessment program for all juveniles held in a secure facility for a period of more than 24 hours that provides for 1 or more initial screenings and, if an initial screening of a juvenile demonstrates a need, further assessment;

"(B) the method to be used by the State to provide screening and, where needed, assessment, referral, and treatment for youth who request or show signs of needing mental health or
substance abuse screening, assessment, referral, or treatment during the period after the initial screening that the youth is incarcerated;

"(C) the method to be used by the State to provide or arrange for mental health and substance abuse disorder treatment for juveniles determined to be in need of such treatment; and

"(D) the policies of the State designed to develop and implement comprehensive collaborative State or local plans to meet the service needs of juveniles with mental health or substance abuse needs who come into contact with the justice system and the families of the juveniles;

"(33) provide procedural safeguards to adjudicated juveniles, including—

"(A) a written case plan for each juvenile, based on an assessment of the needs of the juvenile and developed and updated in consultation with the juvenile, the family of the juvenile, and, if appropriate, counsel for the juvenile, that—
“(i) describes the pre-release and post-release programs and reentry services that will be provided to the juvenile;

“(ii) describes the living arrangement to which the juvenile is to be discharged; and

“(iii) establishes a plan for the enrollment of the juvenile in post-release health care, behavioral health care, educational, vocational, training, family support, public assistance, and legal services programs, as appropriate;

“(B) as appropriate, a hearing that—

“(i) shall take place in a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, not earlier than 30 days before the date on which the juvenile is scheduled to be released, and at which the juvenile would be represented by counsel; and

“(ii) shall determine the discharge plan for the juvenile, including a determination of whether a safe, appropriate,
and permanent living arrangement has been secured for the juvenile and whether enrollment in health care, behavioral health care, educational, vocational, training, family support, public assistance and legal services, as appropriate, has been arranged for the juvenile; and

"(C) policies to ensure that discharge planning and procedures—

"(i) are accomplished in a timely fashion prior to the release from custody of each adjudicated juvenile; and

"(ii) do not delay the release from custody of the juvenile; and

"(34) provide a description of the use by the State of funds for reentry and aftercare services for juveniles released from the juvenile justice system.";

(2) in subsection (c)—

(A) in the matter preceding paragraph

(1)—

(i) by striking "applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a)" and inserting "core requirements"; and
(ii) by striking "2001; then" and inserting "2009";

(B) in paragraph (1)—

(i) by striking "the subsequent fiscal year" and inserting "that fiscal year"; and

(ii) by striking "; and" at the end and inserting a semicolon;

(C) in paragraph (2)(B)(ii)—

(i) by inserting ", administrative," after "appropriate executive"; and

(ii) by striking the period at the end and inserting ", as specified in section 222(c); and"

(D) by adding at the end the following:

"(3) the State shall submit to the Administrator a report detailing the reasons for noncompliance with the core requirements, including the plan of the State to regain full compliance, and the State shall make publicly available such report, not later than 30 days after the date on which the Administrator approves the report, by posting the report on a publicly available website.";

(3) in subsection (d)—

(A) by striking "section 222(d)" and inserting "section 222(e)";
(B) by striking "described in paragraphs (11), (12), (13), and (22) of subsection (a)" and inserting "described in the core requirements"; and

(C) by striking "the requirements under paragraphs (11), (12), (13), and (22) of subsection (a)" and inserting "the core requirements"; and

(4) by striking subsection (f) and inserting the following:

"(f) COMPLIANCE DETERMINATION.—

"(1) IN GENERAL.—Not later than 60 days after the date of receipt of information indicating that a State may be out of compliance with any of the core requirements, the Administrator shall determine whether the State is in compliance with the core requirements.

"(2) REPORTING.—The Administrator shall—

"(A) issue an annual public report—

"(i) describing any determination described in paragraph (1) made during the previous year, including a summary of the information on which the determination is based and the actions to be taken by the Administrator (including a description of...
any reduction imposed under subsection (e); and

(ii) for any such determination that a State is out of compliance with any of the core requirements, describing the basis for the determination; and

(B) make the report described in subparagraph (A) available on a publicly available website.

(g) Technical Assistance.—

(1) Organization of state advisory group member representatives.—The Administrator shall provide technical and financial assistance to an agency, institution, or organization to assist in carrying out the activities described in paragraph (3). The functions and activities of an agency, institution, or organization under this subsection shall not be subject to the Federal Advisory Committee Act.

(2) Composition.—To be eligible to receive assistance under this subsection, an agency, institution, or organization shall—

(A) be governed by individuals who—

(i) have been appointed by a chief executive of a State to serve as a member
of a State advisory group established
under subsection (a)(3); and

(ii) are elected to serve as a gov-
erning officer of such an agency, institu-
tion, or organization by a majority of the
member Chairs (or the designees of the
member Chairs) of all State advisory
groups established under subsection (a)(3);

(B) include member representatives—

(i) from a majority of the State advi-
sory groups established under subsection
(a)(3); and

(ii) who are representative of region-
ally and demographically diverse State ju-
risdications; and

(C) annually seek advice from the Chairs
(or the designees of the member Chairs) of each
State advisory group established under sub-
section (a)(3) to implement the advisory func-
tions specified in subparagraphs (D) and (E) of
paragraph (3) of this subsection:

(3) ACTIVITIES.—To be eligible to receive as-
sistance under this subsection, an agency, institu-
tion, or organization shall agree to—
“(A) conduct an annual conference of the member representatives of the State advisory groups established under subsection (a)(3) for purposes relating to the activities of such State advisory groups;

“(B) disseminate information, data, standards, advanced techniques, and program models;

“(C) review Federal policies regarding juvenile justice and delinquency prevention;

“(D) advise the Administrator regarding particular functions or aspects of the work of the Office; and

“(E) advise the President and Congress regarding State perspectives on the operation of the Office and Federal legislation relating to juvenile justice and delinquency prevention.”.

SEC. 206. AUTHORITY TO MAKE GRANTS.

Section 241(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(a)) is amended—

(1) in paragraph (1), by inserting “status offenders,” before “juvenile offenders, and juveniles”;

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(2) in paragraph (5), by striking “juvenile offenders and juveniles” and inserting “status offenders, juvenile offenders, and juveniles”; 

(3) in paragraph (10), by inserting “…, including juveniles with disabilities” before the semicolon; 

(4) in paragraph (17), by inserting “truancy prevention and reduction,” after “mentoring,”; 

(5) in paragraph (24), by striking “and” at the end; 

(6) by redesignating paragraph (25) as paragraph (26); and 

(7) by inserting after paragraph (24) the following: 

“(25) projects that support the establishment of partnerships between a State and a university, institution of higher education, or research center designed to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency; and”.
SEC. 207. GRANTS TO INDIAN TRIBES.

(a) IN GENERAL.—Section 246(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5656(a)(2)) is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively; and

(3) in subparagraph (B)(ii), as so redesignated, by striking “subparagraph (B)” and inserting “subparagraph (A)”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

Section 223(a)(7)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(7)(A)) is amended by striking “(including any geographical area in which an Indian tribe performs law enforcement functions)” and inserting “(including any geographical area of which an Indian tribe has jurisdiction)”.

SEC. 208. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION.

(a) IN GENERAL.—Section 251 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—
(i) in the matter proceeding subparagraph (A), by striking "may’’ and inserting "shall’’;

(ii) in subparagraph (A), by striking "plan and identify’’ and inserting "annually provide a written and publicly available plan to identify’’; and

(iii) in subparagraph (B)—

(I) by amending clause (iii) to read as follows:

"(iii) successful efforts to prevent status offenders and first-time minor offenders from subsequent involvement with the criminal justice system;’’;

(II) by amending clause (vii) to read as follows:

"(vii) the prevalence and duration of behavioral health needs (including mental health, substance abuse, and co-occurring disorders) among juveniles pre-placement and post-placement when held in the custody of secure detention and corrections facilities, including an examination of the effects of confinement;’’;
(III) by redesignating clauses
(ix), (x), and (xi) as clauses (xi), (xii),
and (xiii); respectively; and

(IV) by inserting after clause
(viii) the following:

"(ix) training efforts and reforms that
have produced reductions in or elimination of
the use of dangerous practices;

"(x) methods to improve the recruitment,
selection, training, and retention of professional
personnel in the fields of medicine, law enforce-
ment, judiciary, juvenile justice, social work and
child protection, education, and other relevant
fields who are engaged in, or intend to work in,
the field of prevention, identification, and treat-
ment of delinquency;"; and

(B) in paragraph (4)—

(i) in the matter preceding subpara-
graph (A), by inserting "and not later than
1 year after the date of enactment of the
Juvenile Justice and Delinquency Preven-
tion Reauthorization Act of 2009" after
"date of enactment of this paragraph";

(ii) in subparagraph (F), by striking
"and" at the end;
(iii) in subparagraph (G), by striking the period at the end and inserting a semi-
colon; and

(iv) by adding at the end the following:

"(H) a description of the best practices in dis-
charge planning; and

"(I) an assessment of living arrangements for juveniles who cannot return to the homes of the ju-
veniles;";

(2) in subsection (b), in the matter preceding paragraph (a), by striking "may" and inserting "shall"; and

(3) by adding at the end the following:

"(f) NATIONAL RECIDIVISM MEASURE.—The Admin-
istrator, in consultation with experts in the field of juve-
nile justice research, recidivism, and date collection, shall—

"(1) establish a uniform method of data collec-
tion and technology that States shall use to evaluate data on juvenile recidivism on an annual basis;

"(2) establish a common national juvenile re-
cidivism measurement system; and
“(3) make cumulative juvenile recidivism data that is collected from States available to the public.”.

(b) Studies.—

(1) Assessment of treating juveniles as adults.—The Administrator shall—

(A) not later than 3 years after the date of enactment of this Act, assess the effectiveness of the practice of treating youth under 18 years of age as adults for purposes of prosecution in criminal court; and

(B) not later than 42 months after the date of enactment of this Act, submit to Congress and the President, and make publicly available, a report on the findings and conclusions of the assessment under subparagraph (A) and any recommended changes in law identified as a result of the assessment under subparagraph (A).

(2) Outcome study of former juvenile offenders.—The Administrator shall conduct a study of adjudicated juveniles and publish a report on the outcomes for juveniles who have reintegrated into the community, which shall include information on the outcomes relating to family reunification,
housing, education, employment, health care, behavioral health care, and repeat offending.

(3) DISABILITIES.—Not later than 2 years after the date of enactment of this Act, the Administrator shall conduct a study that addresses the prevalence of disability and various types of disabilities in the juvenile justice population.

(4) DEFINITION OF ADMINISTRATOR.—In this subsection, the term “Administrator” means the head of the Office of Juvenile Justice and Delinquency Prevention.

SEC. 209. TRAINING AND TECHNICAL ASSISTANCE.

Section 252 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5662) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “may”;

(B) in paragraph (1), by inserting “shall” before “develop and carry out projects”; and

(C) in paragraph (2), by inserting “may” before “make grants to and contracts with”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “may”;

(B) in paragraph (1)—
(i) by inserting "shall" before "develop and implement projects"; and
(ii) by striking "and" at the end;
(C) in paragraph (2)—
(i) by inserting "may" before "make grants to and contracts with"; and
(ii) by striking the period at the end and inserting a semicolon; and
(D) by adding at the end the following:
"(3) shall provide technical assistance to States and units of local government on achieving compliance with the amendments made by the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009; and
"(4) shall provide technical assistance to States in support of efforts to establish partnerships between the State and a university, institution of higher education, or research center designed to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency."; and
(3) by adding at the end the following:

"(d) **Technical Assistance to States Regarding Legal Representation of Children.**—The Administrator shall develop and issue standards of practice for attorneys representing children, and ensure that the standards are adapted for use in States.

"(e) **Training and Technical Assistance for Local and State Juvenile Detention and Corrections Personnel.**—The Administrator shall coordinate training and technical assistance programs with juvenile detention and corrections personnel of States and units of local government to—

"(1) promote methods for improving conditions of juvenile confinement, including those that are designed to minimize the use of dangerous practices, unreasonable restraints, and isolation; and

"(2) encourage alternative behavior management techniques.

"(f) **Training and Technical Assistance to Support Mental Health or Substance Abuse Treatment Including Home-based or Community-based Care.**—The Administrator shall provide training and technical assistance, in conjunction with the appropriate public agencies, to individuals involved in making decisions regarding the disposition of cases for youth who
enter the juvenile justice system about the appropriate
services and placement for youth with mental health or
substance abuse needs, including—

"(1) juvenile justice intake personnel;
"(2) probation officers;
"(3) juvenile court judges and court services
personnel;
"(4) prosecutors and court-appointed counsel;
and
"(5) family members of juveniles and family ad-
vocates."

SEC. 210. INCENTIVE GRANTS FOR STATE AND LOCAL PRO-
GRAMS.

Title II of the Juvenile Justice and Delinquency Pre-
vention Act of 1974 (42 U.S.C. 5611 et seq.) is amend-
ed—

(1) by redesignating part F as part G; and
(2) by inserting after part E the following:

"PART F—INCENTIVE GRANTS FOR STATE AND
LOCAL PROGRAMS

"SEC. 271. INCENTIVE GRANTS.

"(a) INCENTIVE GRANT FUNDS.—The Administrator
may make incentive grants to a State, unit of local govern-
ment, or combination of States and local governments to
assist a State, unit of local government, or combination
thereof in carrying out an activity identified in subsection (b)(1).

**^(b) Use of Funds.—**

**^(1) In general.—** An incentive grant made by the Administrator under this section may be used to—

**(A)** increase the use of evidence based or promising prevention and intervention programs;

**(B)** improve the recruitment, selection, training, and retention of professional personnel (including in the fields of medicine, law enforcement, judiciary, juvenile justice, social work, and child prevention) who are engaged in, or intend to work in, the field of prevention, intervention, and treatment of juveniles to reduce delinquency;

**(C)** establish or support a partnership between juvenile justice agencies of a State or unit of local government and mental health authorities of State or unit of local government to establish and implement programs to ensure there are adequate mental health and substance abuse screening, assessment, referral, treat-
ment, and after-care services for juveniles who come into contact with the justice system by—

"(i) carrying out programs that divert from incarceration juveniles who come into contact with the justice system (including facilities contracted for operation by State or local juvenile authorities) and have mental health or substance abuse needs—

"(I) when such juveniles are at imminent risk of being taken into custody;

"(II) at the time such juveniles are initially taken into custody;

"(III) after such juveniles are charged with an offense or act of juvenile delinquency;

"(IV) after such juveniles are adjudicated delinquent and before case disposition; and

"(V) after such juveniles are committed to secure placement; or

"(ii) improving treatment of juveniles with mental health needs by working to ensure—

"(I) that—
"(aa) initial mental health screening is—

"(AA) completed for a juvenile immediately upon entering the juvenile justice system or a juvenile facility; and

"(BB) conducted by qualified health and mental health professionals or by staff who have been trained by qualified health, mental health, and substance abuse professionals; and

"(bb) in the case of screening, results that indicate possible need for mental health or substance abuse services are reviewed by qualified mental health or substance abuse treatment professionals not later than 24 hours after the screening;

"(II) that a juvenile who suffers from an acute mental disorder, is sui-
• suicidal, or is in need of medical attention due to intoxication is—

  "(aa) placed in or immediately transferred to an appropriate medical or mental health facility; and

  "(bb) only admitted to a secure correctional facility with written medical clearance;

  "(III) that—

  "(aa) for a juvenile identified by a screening as needing a mental health assessment, the mental health assessment and any indicated comprehensive evaluation or individualized treatment plan are written and implemented—

  "(AA) not later than 2 weeks after the date on which the juvenile enters the juvenile justice system; or

  "(BB) if a juvenile is entering a secure facility, not later than 1 week after
the date on which the juvenile enters the juvenile justice system; and

"(bb) the assessments described in item (aa) are completed by qualified health, mental health, and substance abuse professionals;

"(IV) that—

"(aa) if the need for treatment is indicated by the assessment of a juvenile, the juvenile is referred to or treated by a qualified professional;

"(bb) a juvenile who is receiving treatment for a mental health or substance abuse need on the date of the assessment continues to receive treatment;

"(cc) treatment of a juvenile continues until a qualified mental health professional determines that the juvenile is no longer in need of treatment; and
“(dd) treatment plans for juveniles are reevaluated at least every 30 days;
“(V) that—
“(aa) discharge plans are prepared for an incarcerated juvenile when the juvenile enters the correctional facility in order to integrate the juvenile back into the family and the community;
“(bb) discharge plans for an incarcerated juvenile are updated, in consultation with the family or guardian of a juvenile, before the juvenile leaves the facility; and
“(cc) discharge plans address the provision of aftercare services;
“(VI) that any juvenile in the juvenile justice system receiving psychotropic medications is—
“(aa) under the care of a licensed psychiatrist; and
"(bb) monitored regularly by trained staff to evaluate the efficacy and side effects of the psychotropic medications; and

"(VII) that specialized treatment and services are continually available to a juvenile in the juvenile justice system who has—

"(aa) a history of mental health needs or treatment;

"(bb) a documented history of sexual offenses or sexual abuse, as a victim or perpetrator;

"(cc) substance abuse needs or a health problem, learning disability, or history of family abuse or violence; or

"(dd) developmental disabilities;

"(D) provide training, in conjunction with the public or private agency that provides mental health services, to individuals involved in making decisions involving youth who enter the juvenile justice system (including intake personnel, law enforcement, prosecutors, juvenile
court judges, public defenders, mental health
and substance abuse service providers and ad-
ministrators, probation officers, and parents)
that focuses on—

(i) the availability of screening and
assessment tools and the effective use of
such tools;

(ii) the purpose, benefits, and need
to increase availability of mental health or
substance abuse treatment programs (in-
cluding home-based and community-based
programs) available to juveniles within the
jurisdiction of the recipient;

(iii) the availability of public and pri-
ivate services available to juveniles to pay
for mental health or substance abuse treat-
ment programs; or

(iv) the appropriate use of effective
home-based and community-based alter-
atives to juvenile justice or mental health
system institutional placement; and

(E) develop comprehensive collaborative
plans to address the service needs of juveniles
with mental health or substance abuse disorders
who are at risk of coming into contact with the juvenile justice system that—

"(i) revise and improve the delivery of intensive home-based and community-based services to juveniles who have been in contact with or who are at risk of coming into contact with the justice system;

"(ii) determine how the service needs of juveniles with mental health or substance abuse disorders who come into contact with the juvenile justice system will be furnished from the initial detention stage until after discharge in order for these juveniles to avoid further contact with the justice system;

"(iii) demonstrate that the State or unit of local government has entered into appropriate agreements with all entities responsible for providing services under the plan, such as the agency of the State or unit of local government charged with administering juvenile justice programs, the agency of the State or unit of local government charged with providing mental health services, the agency of the State or unit of
local government charged with providing substance abuse treatment services, the educational agency of the State or unit of local government, the child welfare system of the State or local government, and private nonprofit community-based organizations;

"(iv) ensure that the State or unit of local government has in effect any laws necessary for services to be delivered in accordance with the plan;

"(v) establish a network of individuals (or incorporates an existing network) to provide coordination between mental health service providers, substance abuse service providers, probation and parole officers, judges, corrections personnel, law enforcement personnel, State and local educational agency personnel, parents and families, and other appropriate parties regarding effective treatment of juveniles with mental health or substance abuse disorders;

"(vi) provide for cross-system training among law enforcement personnel, correc-
tions personnel, State and local educational agency personnel, mental health service providers, and substance abuse service providers to enhance collaboration among systems;

"(vii) provide for coordinated and effective aftercare programs for juveniles who have been diagnosed with a mental health or substance abuse disorder and who are discharged from home-based care, community-based care, any other treatment program, secure detention facilities, secure correctional facilities, or jail;

"(viii) provide for the purchase of technical assistance to support the implementation of the plan;

"(ix) estimate the costs of implementing the plan and proposes funding sources sufficient to meet the non-Federal funding requirements for implementation of the plan under subsection (c)(2)(E);

"(x) describe the methodology to be used to identify juveniles at risk of coming into contact with the juvenile justice system;
“(xi) provide a written plan to ensure that all training and services provided under the plan will be culturally and linguistically competent; and

“(xii) describe the outcome measures and benchmarks that will be used to evaluate the progress and effectiveness of the plan.

“(2) COORDINATION AND ADMINISTRATION.—A State or unit of local government receiving a grant under this section shall ensure that—

“(A) the use of the grant under this section is developed as part of the State plan required under section 223(a); and

“(B) not more than 5 percent of the amount received under this section is used for administration of the grant under this section.

“(c) APPLICATION.—

“(1) In general.—A State or unit of local government desiring a grant under this section shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

“(2) CONTENTS.—In accordance with guidelines that shall be established by the Administrator,
each application for incentive grant funding under this section shall—

"(A) describe any activity or program the funding would be used for and how the activity or program is designed to carry out 1 or more of the activities described in subsection (b);

"(B) if any of the funds provided under the grant would be used for evidence based or promising prevention or intervention programs, include a detailed description of the studies, findings, or practice knowledge that support the assertion that such programs qualify as evidence based or promising;

"(C) for any program for which funds provided under the grant would be used that is not evidence based or promising, include a detailed description of any studies, findings, or practice knowledge which support the effectiveness of the program;

"(D) if the funds provided under the grant will be used for an activity described in subsection (b)(1)(D), include a certification that the State or unit of local government—

"(i) will work with public or private entities in the area to administer the train-
ing funded under subsection (b)(1)(D), to ensure that such training is comprehensive, constructive, linguistically and culturally competent, and of a high quality;

"(ii) is committed to a goal of increasing the diversion of juveniles coming under its jurisdiction into appropriate home-based or community-based care when the interest of the juvenile and public safety allow;

"(iii) intends to use amounts provided under a grant under this section for an activity described in subsection (b)(1)(D) to further such goal; and

"(iv) has a plan to demonstrate, using appropriate benchmarks, the progress of the agency in meeting such goal; and

"(E) if the funds provided under the grant will be used for an activity described in subsection (b)(1)(D), include a certification that not less than 25 percent of the total cost of the training described in subsection (b)(1)(D) that is conducted with the grant under this section will be contributed by non-Federal sources.
"(d) Requirements for Grants To Establish Partnerships.—

"(1) Mandatory Reporting.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall keep records of the incidence and types of mental health and substance abuse disorders in their juvenile justice populations, the range and scope of services provided, and barriers to service. The State or unit of local government shall submit an analysis of this information yearly to the Administrator.

"(2) Staff Ratios for Correctional Facilities.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall require that a secure correctional facility operated by or on behalf of that State or unit of local government—

"(A) has a minimum ratio of not fewer than 1 mental health and substance abuse counselor for every 50 juveniles, who shall be professionally trained and certified or licensed;

"(B) has a minimum ratio of not fewer than 1 clinical psychologist for every 100 juveniles; and
(C) has a minimum ratio of not fewer than 1 licensed psychiatrist for every 100 juveniles receiving psychiatric care.

(3) LIMITATION ON ISOLATION.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall require that—

(A) isolation is used only for immediate and short-term security or safety reasons;

(B) no juvenile is placed in isolation without approval of the facility superintendent or chief medical officer or their official staff designee;

(C) all instances in which a juvenile is placed in isolation are documented in the file of a juvenile along with the justification;

(D) a juvenile is in isolation only the amount of time necessary to achieve security and safety of the juvenile and staff;

(E) staff monitor each juvenile in isolation once every 15 minutes and conduct a professional review of the need for isolation at least every 4 hours; and
any juvenile held in isolation for 24 hours is examined by a physician or licensed psychologist.

(4) MEDICAL AND MENTAL HEALTH EMERGENCIES.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall require that a correctional facility operated by or on behalf of that State or unit of local government has written policies and procedures on suicide prevention. All staff working in a correctional facility operated by or on behalf of a State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall be trained and certified annually in suicide prevention. A correctional facility operated by or on behalf of a State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall have a written arrangement with a hospital or other facility for providing emergency medical and mental health care. Physical and mental health services shall be available to an incarcerated juvenile 24 hours per day, 7 days per week.

(5) IDEA AND REHABILITATION ACT.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall
require that all juvenile facilities operated by or on behalf of the State or unit of local government abide by all mandatory requirements and timelines set forth under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(6) Fiscal responsibility.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section that are used for an activity described in subsection (b)(1)(C)."

SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "PARTS C AND E" and inserting "PARTS C, E, AND F";

(B) in paragraph (1), by striking "this title" and all that follows and inserting the following: "this title—

"(A) $245,900,000 for fiscal year 2010;
“(B) $295,100,000 for fiscal year 2011; 
“(C) $344,300,000 for fiscal year 2012; 
“(D) $393,500,000 for fiscal year 2013; and 
“(E) $412,700,000 for fiscal year 2014.”; and 
(C) in paragraph (2), in the matter preceding subparagraph (A), by striking “parts C and E” and inserting “parts C, E, and F”; 
(4) by redesignating subsection (d) as subsection (e); and 
(5) by inserting after subsection (e) the following: 
“(d) Authorization of Appropriations for Part F.— 
“(1) IN GENERAL.—There are authorized to be appropriated to carry out part F, and authorized to remain available until expended, $80,000,000 for each of fiscal years 2010, 2011, 2012, 2013, and 2014: 

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"(2) ALLOCATION.—Of the sums that are appropriated for a fiscal year to carry out part F—

"(A) not less than 40 percent shall be used to fund programs that are carrying out an activity described in subparagraph (C), (D), or (E) of section 271(b)(1); and

"(B) not less than 50 percent shall be used to fund programs that are carrying out an activity described in subparagraph (A) of that section:"

SEC. 212. ADMINISTRATIVE AUTHORITY.

Section 299A(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672(e)) is amended by striking "requirements described in paragraphs (11), (12), and (13) of section 223(a)" and inserting "core requirements:"

SEC. 213. TECHNICAL AND CONFORMING AMENDMENTS.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 204(b)(6), by striking "section 223(a)(15)" and inserting "section 223(a)(16)";

(2) in section 246(a)(2)(D), by striking "section 222(e)" and inserting "section 222(d)"; and

(3) in section 299D(b), by striking "section 222(e)" and inserting "section 222(d)."
TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

SEC. 301. DEFINITIONS.

Section 502 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5781) is amended—

(1) in the section heading, by striking "DEFINITION" and inserting "DEFINITIONS"; and

(2) by striking "this title, the term" and inserting the following: "this title—

"(1) the term ‘mentoring’ means matching 1 adult with 1 or more youths (not to exceed 4 youths) for the purpose of providing guidance, support, and encouragement aimed at developing the character of the youths, where the adult and youths meet regularly for not less than 4 hours each month for not less than a 9-month period; and

"(2) the term’.

SEC. 302. GRANTS FOR DELINQUENCY PREVENTION PROGRAMS.

Section 504(a) of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5783(a)) is amended—
(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

``(9) mentoring programs."'".

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

Section 505 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5784) is amended to read as follows:

SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title—

"(1) $322,800,000 for fiscal year 2010;

"(2) $373,400,000 for fiscal year 2011;

"(3) $424,000,000 for fiscal year 2012;

"(4) $474,600,000 for fiscal year 2013; and

"(5) $525,200,000 for fiscal year 2014."'.

SEC. 304. TECHNICAL AND CONFORMING AMENDMENT.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

Sec. 101. Findings.
Sec. 102. Purposes.
Sec. 103. Definitions.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Sec. 201. Concentration of Federal efforts.
Sec. 203. Annual report.
Sec. 204. Allocation of funds.
Sec. 205. State plans.
Sec. 206. Authority to make grants.
Sec. 207. Grants to Indian tribes.
Sec. 208. Research and evaluation; statistical analyses; information dissemination.
Sec. 209. Training and technical assistance.
Sec. 211. Incentive grants for State and local programs.
Sec. 212. Authorization of appropriations.
Sec. 213. Administrative authority.
Sec. 214. Authority for Federal pretrial services with respect to juveniles.
Sec. 215. Technical and conforming amendments.

TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Sec. 301. Definitions.
Sec. 302. Grants for delinquency prevention programs.
Sec. 303. Authorization of appropriations.
Sec. 304. Technical and conforming amendment.

TITLE IV—PRECAUTION ACT

Sec. 401. Short title.
Sec. 402. Purposes.
Sec. 403. Definitions.
Sec. 405. Innovative crime prevention and intervention strategies.
Sec. 406. Funding.
TITLE I—FINDINGS AND DECLARATION OF PURPOSE

SEC. 101. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

“SEC. 101. FINDINGS.

“Congress finds the following:

“(1) A growing body of adolescent development research supports the use of developmentally appropriate services and sanctions for youth in the juvenile justice system and those at risk for delinquent behavior to help prevent youth crime and to successfully intervene with youth who have already entered the system.

“(2) Research has shown that targeted investments to redirect offending juveniles onto a different path are cost effective and can help reduce juvenile recidivism and adult crime.

“(3) Minorities are disproportionately represented in the juvenile justice system.

“(4) Between 1990 and 2004, the number of youth in adult jails increased by 208 percent.
“(5) Every day in the United States, an average of 7,500 youth are incarcerated in adult jails.

“(6) Youth who have been previously tried as adults are, on average, 34 percent more likely to commit crimes than youth retained in the juvenile justice system.

“(7) Research has shown that every dollar spent on evidence based programs can yield up to $13 in cost savings.

“(8) Each child prevented from engaging in repeat criminal offenses can save the community $1,700,000 to $3,400,000.

“(9) Youth are 19 times more likely to commit suicide in jail than youth in the general population and 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility.

“(10) Seventy percent of youth in detention are held for nonviolent charges, and more than 2/3 are charged with property offenses, public order offenses, technical probation violations, or status offenses, such as truancy, running away, or breaking curfew.

“(11) The prevalence of mental disorders among youth in juvenile justice systems is 2 to 3 times higher than among youth in the general population.
“(12) Eighty percent of juveniles in juvenile justice systems have a nexus to substance abuse.

“(13) The proportion of girls entering the justice system has increased steadily over the past several decades, rising from 20 percent in 1980 to 29 percent in 2003.”.

SEC. 102. PURPOSES.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(4) to support a continuum of programs (including delinquency prevention, intervention, mental health and substance abuse treatment, and aftercare) to address the needs of at-risk youth and youth who come into contact with the justice system.”.

SEC. 103. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (8), by amending subparagraph (C) to read as follows:

“(C) an Indian tribe; or”;
(2) by amending paragraph (18) to read as follows:

“(18) the term ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);”;

(3) in paragraph (22), by striking “or confine adults” and all that follows and inserting “or confine adult inmates;”;

(4) in paragraph (25), by striking “contact” and inserting “sight and sound contact”; 

(5) by amending paragraph (26) to read as follows:

“(26) the term ‘adult inmate’—

“(A) means an individual who—

“(i) has reached the age of full criminal responsibility under applicable State law; and

“(ii) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal charge offense; and

“(B) does not include an individual who—

“(i) at the time of the time of the offense, was younger than the maximum age
at which a youth can be held in a juvenile facility under applicable State law; and

“(ii) was committed to the care and custody of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable State law;”;

(6) in paragraph (28), by striking “and” at the end;

(7) in paragraph (29), by striking the period at the end and inserting a semicolon; and

(8) by adding at the end the following:

“(30) the term ‘core requirements’ means the requirements described in paragraphs (11), (12), (13), (14), and (15) of section 223(a);

“(31) the term ‘chemical agent’ means a spray used to temporarily incapacitate a person, including oleoresin capsicum spray, tear gas, and 2-chlorobenzalmalononitrile gas;

“(32) the term ‘isolation’—

“(A) means any instance in which a youth is confined alone for more than 15 minutes in a room or cell; and

“(B) does not include confinement during regularly scheduled sleeping hours, or for not more than 1 hour during any 24-hour period in
the room or cell in which the youth usually sleeps, protective confinement (for injured youths or youths whose safety is threatened), separation based on an approved treatment program, confinement that is requested by the youth, or the separation of the youth from a group in a non-locked setting for the purpose of calming;

“(33) the term ‘restraint’ has the meaning given that term in section 591 of the Public Health Service Act (42 U.S.C. 290ii);

“(34) the term ‘evidence based’ means a program or practice that is demonstrated to be effective and that—

“(A) is based on a clearly articulated and empirically supported theory;

“(B) has measurable outcomes, including a detailed description of what outcomes were produced in a particular population; and

“(C) has been scientifically tested, optimally through randomized control studies or comparison group studies;

“(35) the term ‘promising’ means a program or practice that is demonstrated to be effective based on positive outcomes from 1 or more objective evaluations, as documented in writing to the Administrator;
“(36) the term ‘dangerous practice’ means an act, procedure, or program that creates an unreasonable risk of physical injury, pain, or psychological harm to a juvenile subjected to the act, procedure, or program;

“(37) the term ‘screening’ means a brief process—

“(A) designed to identify youth who may have mental health or substance abuse needs requiring immediate attention, intervention, and further evaluation; and

“(B) the purpose of which is to quickly identify a youth with a possible mental health or substance abuse need in need of further assessment;

“(38) the term ‘assessment’ includes, at a minimum, an interview and review of available records and other pertinent information—

“(A) by a mental health or substance abuse professional who meets the criteria of the applicable State for licensing and education in the mental health or substance abuse field; and

“(B) which is designed to identify significant mental health or substance abuse treatment
needs to be addressed during a youth’s confinement; and

“(39) the term ‘contact’ means the point at which a youth interacts with the juvenile justice system or criminal justice system, including interaction with a juvenile justice, juvenile court, or law enforcement official, and including brief, sustained, or repeated interaction.”.

**TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION**

**SEC. 201. CONCENTRATION OF FEDERAL EFFORTS.**

Section 204(a)(2)(B)(i) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(a)(2)(B)(i)) is amended by striking “240 days after the date of enactment of this paragraph” and inserting “July 2, 2010”.

**SEC. 202. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.**

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “the Administrator of the Substance Abuse and Mental Health
Services Administration, the Secretary of Defense, the Secretary of Agriculture,” after “the Secretary of Health and Human Services,”; and

(ii) by striking “Commissioner of Immigration and Naturalization” and inserting “Assistant Secretary for Immigration and Customs Enforcement”; and

(B) in paragraph (2)(A), by inserting “(including at least 1 representative from the mental health fields)” after “field of juvenile justice”; and

(2) in subsection (c)—

(A) in paragraph (1), by striking “paragraphs (12)(A), (13), and (14) of section 223(a) of this title” and inserting “the core requirements”; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting “, on an annual basis” after “collectively”;  

(ii) in subparagraph (A), by striking “and” at the end;  

(iii) in subparagraph (B),
(I) by striking “180 days after the
date of the enactment of this para-
graph” and inserting “May 3, 2010”; 
(II) by striking “Committee on
Education and the Workforce” and in-
serting “Committee on Education and
Labor”; and 
(III) by striking the period and
inserting “; and”; and 
(iv) by adding at the end the following:
“(C) not later than 120 days after the comple-
tion of the last meeting in any fiscal year, submit to
Congress a report regarding the recommendations de-
scribed in subparagraph (A), which shall—
“(i) include a detailed account of the activi-
ties conducted by the Council during the fiscal
year, including a complete detailed accounting of
expenses incurred by the Coordinating Council to
conduct operations in accordance with this sec-
tion;
“(ii) be published on the websites of the De-
partment of Justice and the Coordinating Coun-
cil; and
“(iii) be in addition to the annual report
required by section 207.”.
SEC. 203. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in the matter preceding paragraph (1), by striking “a fiscal year” and inserting “each fiscal year”;

(2) in paragraph (1)—

(A) in subparagraph (B), by inserting “, ethnicity,” after “race”;

(B) in subparagraph (E), by striking “and” at the end;

(C) in subparagraph (F)—

(i) by inserting “and other” before “disabilities,”; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(G) a summary of data from 1 month of the applicable fiscal year of the use of restraints and isolation upon juveniles held in the custody of secure detention and correctional facilities operated by a State or unit of local government;

“(H) the number of juveniles released from custody and the type of living arrangement to which each such juvenile was released;
“(I) the number of status offense cases petitioned to court (including a breakdown by type of offense and disposition), number of status offenders held in secure detention, the findings used to justify the use of secure detention, and the average period of time a status offender was held in secure detention; and

“(J) the number of pregnant juveniles held in the custody of secure detention and correctional facilities operated by a State or unit of local government.”; and

(3) by adding at the end the following:

“(5) A description of the criteria used to determine what programs qualify as evidence based and promising programs under this title and title V and a comprehensive list of those programs the Administrator has determined meet such criteria.

“(6) A description of funding provided to Indian tribes under this Act, including direct Federal grants and funding provided to Indian tribes through a State or unit of local government.

“(7) An analysis and evaluation of the internal controls at Office of Juvenile Justice and Delinquency Prevention to determine if grantees are following the requirements of Office of Juvenile Justice and Delin-
quency Prevention grant programs and what reme-
dial action Office of Juvenile Justice and Delin-
quency Prevention has taken to recover any grant
funds that are expended in violation of the grant pro-
grams, including instances where supporting docu-
mentation was not provided for cost reports, where
unauthorized expenditures occurred, and where
subreceipients of grant funds were not compliant with
program requirements.

“(8) An analysis and evaluation of the total
amount of payments made to grantees that were re-
couped by the Office of Juvenile Justice and Delin-
quency Prevention from grantees that were found to
be in violation of policies and procedures of the Office
of Juvenile Justice and Delinquency Prevention grant
programs. This analysis shall include the full name
and location of the grantee, the violation of the pro-
gram found, the amount of funds sought to be re-
couped by the Office of Juvenile Justice and Delin-
quency Prevention, and the actual amount recouped
by the Office of Juvenile Justice and Delinquency
Prevention.”.

SEC. 204. ALLOCATION OF FUNDS.

(a) TECHNICAL ASSISTANCE.—Section 221(b)(1) of the
Juvenile Justice and Delinquency Prevention Act of 1974
(42 U.S.C. 5631(b)(1)) is amended by striking “2 percent” and inserting “5 percent”.

(b) OTHER ALLOCATIONS.—Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)(1), by striking “age eighteen.” and inserting “18 years of age, based on the most recent census data to monitor any significant changes in the relative population of people under 18 years of age occurring in the States.”;

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

“(c)(1) If any amount allocated under subsection (a) is withheld from a State due to noncompliance with the core requirements, the funds shall be reallocated for an improvement grant designed to assist the State in achieving compliance with the core requirements.

“(2) The Administrator shall condition a grant described in paragraph (1) on—

“(A) the State, with the approval of the Administrator, developing specific action steps designed to restore compliance with the core requirements; and
“(B) submitting to the Administrator semiannually a report on progress toward implementing the specific action steps developed under subparagraph (A).

“(3) The Administrator shall provide appropriate and effective technical assistance directly or through an agreement with a contractor to assist a State receiving a grant described in paragraph (1) in achieving compliance with the core requirements.”;

(4) in subsection (d), as so redesignated, by striking “efficient administration, including monitoring, evaluation, and one full-time staff position” and inserting “effective and efficient administration, including the designation of at least 1 person to coordinate efforts to achieve and sustain compliance with the core requirements”; and

(5) in subsection (e), as so redesignated, by striking “5 per centum of the minimum” and inserting “not more than 5 percent of the”.

SEC. 205. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “Not later than 30 days after the
date on which a plan or amended plan submitted under this subsection is finalized, a State shall make the plan or amended plan publicly available by posting the plan or amended plan on a publicly available website.” after “compliance with State plan requirements.”;

(B) in paragraph (3)—

(i) in subparagraph (A)(ii)—

(I) in subclause (II), by striking “counsel for children and youth” and inserting “publicly supported court-appointed legal counsel for children and youth charged in delinquency matters”;

(II) in subclause (III), by striking “mental health, education, special education” and inserting “children’s mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities”;

(III) in subclause (V), by striking “delinquents or potential delinquents” and inserting “delinquent youth or youth at risk of delinquency, including volunteers who work with youth of color”;}
(IV) in subclause (VII), by striking “and” at the end;

(V) by redesignating subclause (VIII) as subclause (XI);

(VI) by inserting after subclause (VII) the following:

“(VIII) the executive director or the designee of the executive director of a public or nonprofit entity that is located in the State and receiving a grant under part A of title III;

“(IX) persons with expertise and competence in preventing and addressing mental health or substance abuse needs in juvenile delinquents and those at-risk of delinquency;

“(X) representatives of victim or witness advocacy groups; and”; and

(VII) in subclause (XI), as so redesignated, by striking “disabilities” and inserting “and other disabilities, truancy reduction or school failure”;

(ii) in subparagraph (D)(ii), by striking “requirements of paragraphs (11), (12),
and (13)” and inserting “core requirements”; and

(iii) in subparagraph (E)(i), by adding “and” at the end;

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking “section 222(d)” and inserting “section 222(e)”;

(ii) in subparagraph (C), by striking “Indian tribes” and all that follows through “applicable to the detention and confinement of juveniles” and inserting “Indian tribes that agree to attempt to comply with the core requirements applicable to the detention and confinement of juveniles”;

(D) in paragraph (7)(B)—

(i) by striking clause (i) and inserting the following:

“(i) a plan for ensuring that the chief executive officer of the State, State legislature, and all appropriate public agencies in the State with responsibility for provision of services to children, youth and families are informed of the requirements of the State plan and compliance with the core requirements;”;

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(ii) in clause (iii), by striking “and” at the end; and

(iii) by striking clause (iv) and inserting the following:

“(iv) a plan to provide alternatives to detention, including diversion to home-based or community-based services that are culturally and linguistically competent or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system;

“(v) a plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs;

“(vi) a plan to engage family members in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement; and

“(vii) a plan to use community-based services to address the needs of at-risk youth or youth who have come into contact with the juvenile justice system;”;

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(E) in paragraph (8), by striking “existing” and inserting “evidence based and promising”;

(F) in paragraph (9)—

(i) in the matter preceding subparagraph (A), by striking “section 222(d)” and inserting “section 222(e)”;

(ii) in subparagraph (A)(i), by inserting “status offenders and other” before “youth who need”;

(iii) in subparagraph (B)(i)—

(I) by striking “parents and other family members” and inserting “status offenders, other youth, and the parents and other family members of such offenders and youth”; and

(II) by striking “be retained” and inserting “remain”;

(iv) by redesignating subparagraphs (G) through (S) as subparagraphs (J) through (V), respectively;

(v) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;
(vi) by inserting after subparagraph (D) the following:

“(E) providing training and technical assistance to, and consultation with, juvenile justice and child welfare agencies of States and units of local government to develop coordinated plans for early intervention and treatment of youth who have a history of abuse and juveniles who have prior involvement with the juvenile justice system;”;

(vii) in subparagraph (G), as so redesignated, by striking “expanding” and inserting “programs to expand”;

(viii) by inserting after subparagraph (G), as so redesignated, the following:

“(H) programs to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency;

“(I) expanding access to publicly supported, court-appointed legal counsel and enhancing ca-
capacity for the competent representation of every child;”;

(ix) in subparagraph (O), as so redesignated—

(I) in clause (i), by striking “restraints” and inserting “alternatives”; and

(II) in clause (ii), by striking “by the provision”; and

(x) in subparagraph (V), as so redesignated, by striking the period at the end and inserting a semicolon;

(G) in paragraph (11)—

(i) in subparagraph (A), by striking “and” at the end;

(ii) in subparagraph (B), by adding “and” at the end; and

(iii) by adding at the end the following:

“(C) encourage the use of community-based alternatives to secure detention, including programs of public and nonprofit entities receiving a grant under part A of title III;”;}
(H) in paragraph (12)(A), by striking “contact” and inserting “sight and sound contact”;

(I) in paragraph (13), by striking “contact” each place it appears and inserting “sight and sound contact”;

(J) by striking paragraph (22);

(K) by redesignating paragraphs (23) through (28) as paragraphs (24) through (29), respectively;

(L) by redesignating paragraphs (14) through (21) as paragraphs (16) through (23), respectively;

(M) by inserting after paragraph (13) the following:

“(14) require that—

“(A) not later than 3 years after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility—
“(i) shall not have sight and sound contact with adult inmates; and

“(ii) except as provided in paragraph (13), may not be held in any jail or lockup for adults;

“(B) in determining under subparagraph (A) whether it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults, or have sight and sound contact with adult inmates, a court shall consider—

“(i) the age of the juvenile;

“(ii) the physical and mental maturity of the juvenile;

“(iii) the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;

“(iv) the nature and circumstances of the alleged offense;

“(v) the juvenile’s history of prior delinquent acts;

“(vi) the relative ability of the available adult and juvenile detention facilities to meet the specific needs of the juvenile and to protect the public;
“(vii) whether placement in a juvenile facility will better serve the long-term interests of the juvenile and be more likely to prevent recidivism;

“(viii) the availability of programs designed to treat the juvenile’s behavioral problems; and

“(ix) any other relevant factor; and

“(C) if a court determines under subparagraph (A) that it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults, or have sight and sound contact with adult inmates—

“(i) the court shall hold a hearing not less frequently than once every 30 days to review whether it is still in the interest of justice to permit the juvenile to be so held or have such sight and sound contact; and

“(ii) the juvenile shall not be held in any jail or lockup for adults, or permitted to have sight and sound contact with adult inmates, for more than 180 days, unless the court, in writing, determines there is good cause for an extension or the juvenile expressly waives this limitation;
“(15) implement policy, practice, and system improvement strategies at the State, territorial, local, and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas, by—

“(A) establishing coordinating bodies, composed of juvenile justice stakeholders at the State, local, or tribal levels, to oversee and monitor efforts by States, units of local government, and Indian tribes to reduce racial and ethnic disparities;

“(B) identifying and analyzing key decision points in State, local, or tribal juvenile justice systems to determine which points create racial and ethnic disparities among youth who come into contact with the juvenile justice system;

“(C) developing and implementing data collection and analysis systems to identify where racial and ethnic disparities exist in the juvenile justice system and to track and analyze such disparities;

“(D) developing and implementing a work plan that includes measurable objectives for pol-
icy, practice, or other system changes, based on
the needs identified in the data collection and
analysis under subparagraphs (B) and (C); and

“(E) publicly reporting, on an annual
basis, the efforts made in accordance with sub-
paragraphs (B), (C), and (D);”

(N) in paragraph (16), as so redesignated—

(i) by striking “adequate system” and
inserting “effective system”;

(ii) by striking “requirements of para-
graph (11),” and all that follows through
“monitoring to the Administrator” and in-
serting “the core requirements are met, and
for annual reporting to the Administrator
of such plan, including the results of such
monitoring and all related enforcement and
educational activities”; and

(iii) by striking “; in the opinion of
the Administrator,”;

(O) in paragraph (17), as so redesignated,
by inserting “ethnicity,” after “race,”;

(P) in paragraph (24), as so redesignated—

(i) in subparagraph (B), by striking
“and” at the end;

(ii) in subparagraph (C)—
(I) in clause (i), by striking “and” at the end;

(II) in clause (ii), by adding “and” at the end; and

(III) by adding at the end the following:

“(iii) if such court determines the juvenile should be placed in a secure detention facility or correctional facility for violating such order—

“(I) the court shall issue a written order that—

“(aa) identifies the valid court order that has been violated;

“(bb) specifies the factual basis for determining that there is reasonable cause to believe that the juvenile has violated such order;

“(cc) includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the juvenile in such a fa-
ility, with due consideration to
the best interest of the juvenile;

“(dd) specifies the length of
time, not to exceed 7 days, that
the juvenile may remain in a se-
cure detention facility or correc-
tional facility, and includes a
plan for the juvenile’s release from
such facility; and

“(ee) may not be renewed or
extended; and

“(II) the court may not issue a
second or subsequent order described in
subclause (I) relating to a juvenile, un-
less the juvenile violates a valid court
order after the date on which the court
issues an order described in subclause
(I);”; and

(iii) by adding at the end the fol-
lowing:

“(D) there are procedures in place to ensure
that any juvenile held in a secure detention facil-
ity or correctional facility pursuant to a court
order described in this paragraph does not re-
main in custody longer than 7 days or the length
of time authorized by the court, which ever is shorter; and

“(E) not later than 3 years after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009 with a 1 year extension for each additional year that the State can demonstrate hardship as determined by the Administrator, the State will eliminate the use of valid court orders to provide secure lockup of status offenders;”;

(Q) in paragraph (26), as so redesignated, by striking “section 222(d)” and inserting “section 222(e)”;

(R) in paragraph (27), as so redesignated—

(i) by inserting “and in accordance with confidentiality concerns,” after “maximum extent practicable,”; and

(ii) by striking the semicolon at the end and inserting the following: “, so as to provide for—

“(A) a compilation of data reflecting information on juveniles entering the juvenile justice system with a prior reported history as victims of child abuse or neglect through arrest, court in-
take, probation and parole, juvenile detention, and corrections; and

“(B) a plan to use the data described in subparagraph (A) to provide necessary services for the treatment of victims of child abuse and neglect who have entered, or are at risk of entering, the juvenile justice system;”;

(S) in paragraph (28), as so redesignated—

(i) by striking “establish policies” and inserting “establish protocols, policies, procedures,”; and

(ii) by striking “and” at the end;

(T) in paragraph (29), as so redesignated, by striking the period at the end and inserting a semicolon; and

(U) by adding at the end the following:

“(30) provide for the coordinated use of funds provided under this Act with other Federal and State funds directed at juvenile delinquency prevention and intervention programs;

“(31) develop policies and procedures, and provide training for facility staff to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques;
“(32) describe—

“(A) how the State will ensure that mental health and substance abuse screening, assessment, referral, and treatment for juveniles in the juvenile justice system includes efforts to implement an evidence-based mental health and substance abuse disorder screening and assessment program for all juveniles held in a secure facility for a period of more than 24 hours that provides for 1 or more initial screenings and, if an initial screening of a juvenile demonstrates a need, further assessment;

“(B) the method to be used by the State to provide screening and, where needed, assessment, referral, and treatment for youth who request or show signs of needing mental health or substance abuse screening, assessment, referral, or treatment during the period after the initial screening that the youth is incarcerated;

“(C) the method to be used by the State to provide or arrange for mental health and substance abuse disorder treatment for juveniles determined to be in need of such treatment; and

“(D) the policies of the State designed to develop and implement comprehensive collaborative
State or local plans to meet the service needs of juveniles with mental health or substance abuse needs who come into contact with the justice system and the families of the juveniles;

“(33) provide procedural safeguards to adjudicated juveniles, including—

“(A) a written case plan for each juvenile, based on an assessment of the needs of the juvenile and developed and updated in consultation with the juvenile, the family of the juvenile, and, if appropriate, counsel for the juvenile, that—

“(i) describes the pre-release and post-release programs and reentry services that will be provided to the juvenile;

“(ii) describes the living arrangement to which the juvenile is to be discharged; and

“(iii) establishes a plan for the enrollment of the juvenile in post-release health care, behavioral health care, educational, vocational, training, family support, public assistance, and legal services programs, as appropriate;

“(B) as appropriate, a hearing that—
“(i) shall take place in a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, not earlier than 30 days before the date on which the juvenile is scheduled to be released, and at which the juvenile would be represented by counsel; and

“(ii) shall determine the discharge plan for the juvenile, including a determination of whether a safe, appropriate, and permanent living arrangement has been secured for the juvenile and whether enrollment in health care, behavioral health care, educational, vocational, training, family support, public assistance and legal services, as appropriate, has been arranged for the juvenile; and

“(C) policies to ensure that discharge planning and procedures—

“(i) are accomplished in a timely fashion prior to the release from custody of each adjudicated juvenile; and
“(ii) do not delay the release from custody of the juvenile; and

“(34) provide a description of the use by the State of funds for reentry and aftercare services for juveniles released from the juvenile justice system.”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking “applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a)” and inserting “core requirements”; and

(ii) by striking “2001, then” and inserting “2010”;

(B) in paragraph (1)—

(i) by striking “the subsequent fiscal year” and inserting “that fiscal year”; and

(ii) by striking “, and” at the end and inserting a semicolon;

(C) in paragraph (2)(B)(ii)—

(i) by inserting “, administrative,” after “appropriate executive”; and

(ii) by striking the period at the end and inserting “, as specified in section 222(c); and”; and
(D) by adding at the end the following:

“(3) the State shall submit to the Administrator a report detailing the reasons for noncompliance with the core requirements, including the plan of the State to regain full compliance, and the State shall make publicly available such report, not later than 30 days after the date on which the Administrator approves the report, by posting the report on a publicly available website.”;

(3) in subsection (d)—

(A) by striking “section 222(d)” and inserting “section 222(e)”;

(B) by striking “described in paragraphs (11), (12), (13), and (22) of subsection (a)” and inserting “described in the core requirements”; and

(C) by striking “the requirements under paragraphs (11), (12), (13), and (22) of subsection (a)” and inserting “the core requirements”; and

(4) by striking subsection (f) and inserting the following:

“(f) COMPLIANCE DETERMINATION.—

“(1) IN GENERAL.—Not later than 60 days after the date of receipt of information indicating that a
State may be out of compliance with any of the core requirements, the Administrator shall determine whether the State is in compliance with the core requirements.

“(2) REPORTING.—The Administrator shall—

“(A) issue an annual public report—

“(i) describing any determination described in paragraph (1) made during the previous year, including a summary of the information on which the determination is based and the actions to be taken by the Administrator (including a description of any reduction imposed under subsection (c)); and

“(ii) for any such determination that a State is out of compliance with any of the core requirements, describing the basis for the determination; and

“(B) make the report described in subparagraph (A) available on a publicly available website.

“(g) TECHNICAL ASSISTANCE.—

“(1) ORGANIZATION OF STATE ADVISORY GROUP MEMBER REPRESENTATIVES.—The Administrator shall provide technical and financial assistance to an
agency, institution, or organization to assist in carrying out the activities described in paragraph (3).

The functions and activities of an agency, institution, or organization under this subsection shall not be subject to the Federal Advisory Committee Act.

“(2) COMPOSITION.—To be eligible to receive assistance under this subsection, an agency, institution, or organization shall—

“(A) be governed by individuals who—

“(i) have been appointed by a chief executive of a State to serve as a member of a State advisory group established under subsection (a)(3); and

“(ii) are elected to serve as a governing officer of such an agency, institution, or organization by a majority of the member Chairs (or the designees of the member Chairs) of all State advisory groups established under subsection (a)(3);

“(B) include member representatives—

“(i) from a majority of the State advisory groups established under subsection (a)(3); and
“(ii) who are representative of region-
ally and demographically diverse State ju-
risdictions; and

“(C) annually seek advice from the Chairs
(or the designees of the member Chairs) of each
State advisory group established under sub-
section (a)(3) to implement the advisory func-
tions specified in subparagraphs (D) and (E) of
paragraph (3) of this subsection.

“(3) ACTIVITIES.—To be eligible to receive assist-
ance under this subsection, an agency, institution, or
organization shall agree to—

“(A) conduct an annual conference of the
member representatives of the State advisory
groups established under subsection (a)(3) for
purposes relating to the activities of such State
advisory groups;

“(B) disseminate information, data, stand-
ards, advanced techniques, and program models;

“(C) review Federal policies regarding juve-
nile justice and delinquency prevention;

“(D) advise the Administrator regarding
particular functions or aspects of the work of the
Office; and
“(E) advise the President and Congress regarding State perspectives on the operation of the Office and Federal legislation relating to juvenile justice and delinquency prevention.”.

SEC. 206. AUTHORITY TO MAKE GRANTS.

Section 241(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(a)) is amended—

(1) in paragraph (1), by inserting “status offenders,” before “juvenile offenders, and juveniles”;

(2) in paragraph (5), by striking “juvenile offenders and juveniles” and inserting “status offenders, juvenile offenders, and juveniles”;

(3) in paragraph (10), by inserting “; including juveniles with disabilities” before the semicolon;

(4) in paragraph (17), by inserting “truancy prevention and reduction,” after “mentoring,”;

(5) in paragraph (24), by striking “and” at the end;

(6) by redesignating paragraph (25) as paragraph (26); and

(7) by inserting after paragraph (24) the following:

“(25) projects that support the establishment of partnerships between a State and a university, insti-
tution of higher education, or research center designed
to improve the recruitment, selection, training, and
retention of professional personnel in the fields of
medicine, law enforcement, judiciary, juvenile justice,
social work and child protection, education, and other
relevant fields who are engaged in, or intend to work
in, the field of prevention, identification, and treat-
ment of delinquency; and”.

SEC. 207. GRANTS TO INDIAN TRIBES.

(a) In General.—Section 246(a)(2) of the Juvenile
Justice and Delinquency Prevention Act of 1974 (42 U.S.C.
5656(a)(2)) is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraphs (B) through
(E) as subparagraphs (A) through (D), respectively;

and

(3) in subparagraph (B)(ii), as so redesignated,
by striking “subparagraph (B)” and inserting “sub-
paragraph (A)”.

(b) Technical and Conforming Amendment.—Sec-
tion 223(a)(7)(A) of the Juvenile Justice and Delinquency
Prevention Act of 1974 (42 U.S.C. 5633(a)(7)(A)) is
amended by striking “(including any geographical area in
which an Indian tribe performs law enforcement func-
tions)” and inserting “(including any geographical area of
which an Indian tribe has jurisdiction)”.

SEC. 208. RESEARCH AND EVALUATION; STATISTICAL ANAL-
YSES; INFORMATION DISSEMINATION.

(a) In General.—Section 251 of the Juvenile Justice
and Delinquency Prevention Act of 1974 (42 U.S.C. 5661)
is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter proceeding subpara-
graph (A), by striking “may” and inserting
“shall”;

(ii) in subparagraph (A), by striking
“plan and identify” and inserting “annu-
ally provide a written and publicly avail-
able plan to identify”; and

(iii) in subparagraph (B)—

(I) by amending clause (iii) to
read as follows:

“(iii) successful efforts to prevent status of-
fenders and first-time minor offenders from sub-
sequent involvement with the criminal justice
system;”;

(II) by amending clause (vii) to
read as follows:
“(vii) the prevalence and duration of behavioral health needs (including mental health, substance abuse, and co-occurring disorders) among juveniles pre-placement and post-placement when held in the custody of secure detention and corrections facilities, including an examination of the effects of confinement;”;

(III) by redesignating clauses (ix), (x), and (xi) as clauses (xi), (xii), and (xiii), respectively; and

(IV) by inserting after clause (viii) the following:

“(ix) training efforts and reforms that have produced reductions in or elimination of the use of dangerous practices;

“(x) methods to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency;”; and

(B) in paragraph (4)—
(i) in the matter preceding subparagraph (A), by inserting “and not later than 1 year after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009” after “date of enactment of this paragraph”;

(ii) in subparagraph (F), by striking “and” at the end;

(iii) in subparagraph (G), by striking the period at the end and inserting a semi-colon; and

(iv) by adding at the end the following:

“(H) a description of the best practices in discharge planning; and

“(I) an assessment of living arrangements for juveniles who cannot return to the homes of the juveniles.”;

(2) in subsection (b), in the matter preceding paragraph (a), by striking “may” and inserting “shall”; and

(3) by adding at the end the following:

“(f) NATIONAL RECIDIVISM MEASURE.—The Administrator, in consultation with experts in the field of juvenile justice research, recidivism, and data collection, shall—
“(1) establish a uniform method of data collection and technology that States shall use to evaluate data on juvenile recidivism on an annual basis;

“(2) establish a common national juvenile recidivism measurement system; and

“(3) make cumulative juvenile recidivism data that is collected from States available to the public.”.

(b) STUDIES.—

(1) ASSESSMENT OF TREATING JUVENILES AS ADULTS.—The Administrator shall—

(A) not later than 3 years after the date of enactment of this Act, assess the effectiveness of the practice of treating youth under 18 years of age as adults for purposes of prosecution in criminal court; and

(B) not later than 42 months after the date of enactment of this Act, submit to Congress and the President, and make publicly available, a report on the findings and conclusions of the assessment under subparagraph (A) and any recommended changes in law identified as a result of the assessment under subparagraph (A).

(2) OUTCOME STUDY OF FORMER JUVENILE OFFENDERS.—The Administrator shall conduct a study of adjudicated juveniles and publish a report on the
outcomes for juveniles who have reintegrated into the community, which shall include information on the outcomes relating to family reunification, housing, education, employment, health care, behavioral health care, and repeat offending.

(3) DISABILITIES.—Not later than 2 years after the date of enactment of this Act, the Administrator shall conduct a study that addresses the prevalence of disability and various types of disabilities in the juvenile justice population.

(4) DEFINITION OF ADMINISTRATOR.—In this subsection, the term “Administrator” means the head of the Office of Juvenile Justice and Delinquency Prevention.

SEC. 209. TRAINING AND TECHNICAL ASSISTANCE.

Section 252 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5662) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “may’’;

(B) in paragraph (1), by inserting “shall” before “develop and carry out projects”; and

(C) in paragraph (2), by inserting “may” before “make grants to and contracts with”;  

(2) in subsection (b)—
(A) in the matter preceding paragraph (1), by striking “may”;

(B) in paragraph (1)—

(i) by inserting “shall” before “develop and implement projects”; and

(ii) by striking “and” at the end;

(C) in paragraph (2)—

(i) by inserting “may” before “make grants to and contracts with”; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(3) shall provide technical assistance to States and units of local government on achieving compliance with the amendments made by the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009; and

“(4) shall provide technical assistance to States in support of efforts to establish partnerships between the State and a university, institution of higher education, or research center designed to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, judiciary, juvenile justice, social work and child protection, education, and other relevant fields
who are engaged in, or intend to work in, the field
of prevention, identification, and treatment of delin-
quency.”; and

(3) by adding at the end the following:

“(d) Technical Assistance to States Regarding
Legal Representation of Children.—The Adminis-
trator shall develop and issue standards of practice for at-
torneys representing children, and ensure that the stand-
ards are adapted for use in States.

“(e) Training and Technical Assistance for
Local and State Juvenile Detention and Correc-
tions Personnel.—The Administrator shall coordinate
training and technical assistance programs with juvenile
detention and corrections personnel of States and units of
local government to—

“(1) promote methods for improving conditions
of juvenile confinement, including those that are de-
signed to minimize the use of dangerous practices, un-
reasonable restraints, and isolation; and

“(2) encourage alternative behavior management
techniques.

“(f) Training and Technical Assistance to Sup-
port Mental Health or Substance Abuse Treat-
ment Including Home-Based or Community-Based
Care.—The Administrator shall provide training and tech-
nical assistance, in conjunction with the appropriate public agencies, to individuals involved in making decisions regarding the disposition of cases for youth who enter the juvenile justice system about the appropriate services and placement for youth with mental health or substance abuse needs, including—

“(1) juvenile justice intake personnel;

“(2) probation officers;

“(3) juvenile court judges and court services personnel;

“(4) prosecutors and court-appointed counsel;

and

“(5) family members of juveniles and family advocates.”.

SEC. 210. GRANTS FOR YOUTH AND FAMILY SERVING ORGANIZATIONS.

Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665) is amended by adding at the end the following:

“(c) GRANTS FOR YOUTH AND FAMILY SERVING ORGANIZATIONS.—

“(1) IN GENERAL.—The Administrator, using a competitive process, may make grants to and enter contracts with qualified youth and family serving organizations, or combinations thereof, to provide an
integrated continuum of services and programs for the prevention, control, or reduction of juvenile delinquency.

“(2) DEFINITIONS.—In this subsection—

“(A) the term ‘integrated continuum of services and programs’ means a variety of services and programs for youth at risk of becoming juvenile offenders and families of such youth, with each service or program—

“(i) sharing a well-defined set of procedures and practices that are applied similarly in different situations and programs;

“(ii) being replicable and producing results that can be observed, tracked, and measured;

“(iii) sharing a common theory and philosophy of care;

“(iv) operating in a manner that allows youth and families to move across different service levels and expect and experience the same teaching methods, language, expectations, and outcome goals from caregivers and other providers; and
“(v) allowing each youth and family to maintain and build on the success achieved at a previous level of service; and

“(B) the term ‘qualified youth and family serving organization’ means a private, nonprofit youth and family serving organization that—

“(i) provides an integrated continuum of programs and services for youth at risk of becoming juvenile offenders and the families of such youth in areas affected by poverty and violence;

“(ii) serves a large percentage of eligible youth at risk of becoming juvenile offenders and provides evidence-based, or evidence-informed, services and programs;

“(iii) teaches social and independent living skills for youth and families, builds healthy relationships between youth and families, and promotes self-government and self-determination for all youth and families served; and

“(iv) is successful in balancing public funds with private donations and maximizing community involvement.”.
SEC. 211. INCENTIVE GRANTS FOR STATE AND LOCAL PROGRAMS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by redesignating part F as part G; and

(2) by inserting after part E the following:

“PART F—INCENTIVE GRANTS FOR STATE AND LOCAL PROGRAMS

“SEC. 271. INCENTIVE GRANTS.

“(a) INCENTIVE GRANT FUNDS.—The Administrator may make incentive grants to a State, unit of local government, or combination of States and local governments to assist a State, unit of local government, or combination thereof in carrying out an activity identified in subsection (b)(1).

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—An incentive grant made by the Administrator under this section may be used to—

“(A) increase the use of evidence based or promising prevention and intervention programs;

“(B) improve the recruitment, selection, training, and retention of professional personnel (including in the fields of medicine, law enforcement, judiciary, juvenile justice, social work, and
child prevention) who are engaged in, or intend
to work in, the field of prevention, intervention,
and treatment of juveniles to reduce delinquency;
“(C) establish or support a partnership be-
tween juvenile justice agencies of a State or unit
of local government and mental health authori-
ties of State or unit of local government to estab-
lish and implement programs to ensure there are
adequate mental health and substance abuse
screening, assessment, referral, treatment, and
after-care services for juveniles who come into
contact with the justice system by—
“(i) carrying out programs that divert
from incarceration juveniles who come into
contact with the justice system (including
facilities contracted for operation by State
or local juvenile authorities) and have men-
tal health or substance abuse needs—
“(I) when such juveniles are at
imminent risk of being taken into cus-
tody;
“(II) at the time such juveniles
are initially taken into custody;
“(III) after such juveniles are charged with an offense or act of juvenile delinquency;

“(IV) after such juveniles are adjudicated delinquent and before case disposition; and

“(V) after such juveniles are committed to secure placement; or

“(ii) improving treatment of juveniles with mental health needs by working to ensure—

“(I) that—

“(aa) initial mental health screening is—

“(AA) completed for a juvenile immediately upon entering the juvenile justice system or a juvenile facility; and

“(BB) conducted by qualified health and mental health professionals or by staff who have been trained by qualified health, mental
health, and substance abuse professionals; and

“(bb) in the case of screening, results that indicate possible need for mental health or substance abuse services are reviewed by qualified mental health or substance abuse treatment professionals not later than 24 hours after the screening;

“(II) that a juvenile who suffers from an acute mental disorder, is suicidal, or is in need of medical attention due to intoxication is—

“(aa) placed in or immediately transferred to an appropriate medical or mental health facility; and

“(bb) only admitted to a secure correctional facility with written medical clearance;

“(III) that—

“(aa) for a juvenile identified by a screening as needing a mental health assessment, the
mental health assessment and any
indicated comprehensive evalua-
tion or individualized treatment
plan are written and imple-
mented—

“(AA) not later than 2
weeks after the date on which
the juvenile enters the juve-
nile justice system; or

“(BB) if a juvenile is
entering a secure facility, not
later than 1 week after the
date on which the juvenile
enters the juvenile justice sys-
tem; and

“(bb) the assessments de-
scribed in item (aa) are completed
by qualified health, mental health,
and substance abuse professionals;

“(IV) that—

“(aa) if the need for treat-
ment is indicated by the assess-
ment of a juvenile, the juvenile is
referred to or treated by a qual-
ified professional;
“(bb) a juvenile who is receiving treatment for a mental health or substance abuse need on the date of the assessment continues to receive treatment;

“(cc) treatment of a juvenile continues until a qualified mental health professional determines that the juvenile is no longer in need of treatment; and

“(dd) treatment plans for juveniles are reevaluated at least every 30 days;

“(V) that—

“(aa) discharge plans are prepared for an incarcerated juvenile when the juvenile enters the correctional facility in order to integrate the juvenile back into the family and the community;

“(bb) discharge plans for an incarcerated juvenile are updated, in consultation with the family or guardian of a juvenile, before the juvenile leaves the facility; and
“(cc) discharge plans address the provision of aftercare services;
“(VI) that any juvenile in the juvenile justice system receiving psychotropic medications is—
“(aa) under the care of a licensed psychiatrist; and
“(bb) monitored regularly by trained staff to evaluate the efficacy and side effects of the psychotropic medications; and
“(VII) that specialized treatment and services are continually available to a juvenile in the juvenile justice system who has—
“(aa) a history of mental health needs or treatment;
“(bb) a documented history of sexual offenses or sexual abuse, as a victim or perpetrator;
“(cc) substance abuse needs or a health problem, learning disability, or history of family abuse or violence; or
“(dd) developmental disabilities;

“(D) provide training, in conjunction with
the public or private agency that provides men-
tal health services, to individuals involved in
making decisions involving youth who enter the
juvenile justice system (including intake per-
sonnel, law enforcement, prosecutors, juvenile
court judges, public defenders, mental health and
substance abuse service providers and adminis-
trators, probation officers, and parents) that fo-
cuses on—

“(i) the availability of screening and
assessment tools and the effective use of such
tools;

“(ii) the purpose, benefits, and need to
increase availability of mental health or
substance abuse treatment programs (in-
cluding home-based and community-based
programs) available to juveniles within the
jurisdiction of the recipient;

“(iii) the availability of public and
private services available to juveniles to pay
for mental health or substance abuse treat-
ment programs; or
“(iv) the appropriate use of effective home-based and community-based alternatives to juvenile justice or mental health system institutional placement; and

“(E) develop comprehensive collaborative plans to address the service needs of juveniles with mental health or substance abuse disorders who are at risk of coming into contact with the juvenile justice system that—

“(i) revise and improve the delivery of intensive home-based and community-based services to juveniles who have been in contact with or who are at risk of coming into contact with the justice system;

“(ii) determine how the service needs of juveniles with mental health or substance abuse disorders who come into contact with the juvenile justice system will be furnished from the initial detention stage until after discharge in order for these juveniles to avoid further contact with the justice system;

“(iii) demonstrate that the State or unit of local government has entered into appropriate agreements with all entities re-
sponsible for providing services under the plan, such as the agency of the State or unit of local government charged with administering juvenile justice programs, the agency of the State or unit of local government charged with providing mental health services, the agency of the State or unit of local government charged with providing substance abuse treatment services, the educational agency of the State or unit of local government, the child welfare system of the State or local government, and private non-profit community-based organizations;

“(iv) ensure that the State or unit of local government has in effect any laws necessary for services to be delivered in accordance with the plan;

“(v) establish a network of individuals (or incorporates an existing network) to provide coordination between mental health service providers, substance abuse service providers, probation and parole officers, judges, corrections personnel, law enforcement personnel, State and local educational agency personnel, parents and families, and
other appropriate parties regarding effective
treatment of juveniles with mental health or
substance abuse disorders;

“(vi) provide for cross-system training
among law enforcement personnel, corrections personnel, State and local educational
agency personnel, mental health service pro-
viders, and substance abuse service pro-
viders to enhance collaboration among sys-
tems;

“(vii) provide for coordinated and ef-
fective aftercare programs for juveniles who
have been diagnosed with a mental health
or substance abuse disorder and who are
discharged from home-based care, commu-
nity-based care, any other treatment pro-
gram, secure detention facilities, secure cor-
rectional facilities, or jail;

“(viii) provide for the purchase of tech-
nical assistance to support the implementa-
tion of the plan;

“(ix) estimate the costs of imple-
menting the plan and proposes funding
sources sufficient to meet the non-Federal
funding requirements for implementation of 
the plan under subsection (c)(2)(E);

“(x) describe the methodology to be 
used to identify juveniles at risk of coming 
into contact with the juvenile justice system;

“(xi) provide a written plan to ensure 
that all training and services provided 
under the plan will be culturally and lin-
guistically competent; and

“(xii) describe the outcome measures 
and benchmarks that will be used to evalu-
ate the progress and effectiveness of the 
plan.

“(2) COORDINATION AND ADMINISTRATION.—A 
State or unit of local government receiving a grant 
under this section shall ensure that—

“(A) the use of the grant under this section 
is developed as part of the State plan required 
under section 223(a); and

“(B) not more than 5 percent of the amount 
received under this section is used for adminis-
tration of the grant under this section.

“(c) APPLICATION.—

“(1) IN GENERAL.—A State or unit of local gov-
ernment desiring a grant under this section shall sub-
mit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

“(2) CONTENTS.—In accordance with guidelines that shall be established by the Administrator, each application for incentive grant funding under this section shall—

“(A) describe any activity or program the funding would be used for and how the activity or program is designed to carry out 1 or more of the activities described in subsection (b);

“(B) if any of the funds provided under the grant would be used for evidence based or promising prevention or intervention programs, include a detailed description of the studies, findings, or practice knowledge that support the assertion that such programs qualify as evidence based or promising;

“(C) for any program for which funds provided under the grant would be used that is not evidence based or promising, include a detailed description of any studies, findings, or practice knowledge which support the effectiveness of the program;
“(D) if the funds provided under the grant will be used for an activity described in subsection (b)(1)(D), include a certification that the State or unit of local government—

“(i) will work with public or private entities in the area to administer the training funded under subsection (b)(1)(D), to ensure that such training is comprehensive, constructive, linguistically and culturally competent, and of a high quality;

“(ii) is committed to a goal of increasing the diversion of juveniles coming under its jurisdiction into appropriate home-based or community-based care when the interest of the juvenile and public safety allow;

“(iii) intends to use amounts provided under a grant under this section for an activity described in subsection (b)(1)(D) to further such goal; and

“(iv) has a plan to demonstrate, using appropriate benchmarks, the progress of the agency in meeting such goal; and

“(E) if the funds provided under the grant will be used for an activity described in subsection (b)(1)(D), include a certification that not
less than 25 percent of the total cost of the training described in subsection (b)(1)(D) that is conducted with the grant under this section will be contributed by non-Federal sources.

“(d) REQUIREMENTS FOR GRANTS TO ESTABLISH PARTNERSHIPS.—

“(1) MANDATORY REPORTING.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall keep records of the incidence and types of mental health and substance abuse disorders in their juvenile justice populations, the range and scope of services provided, and barriers to service. The State or unit of local government shall submit an analysis of this information yearly to the Administrator.

“(2) STAFF RATIOS FOR CORRECTIONAL FACILITIES.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall require that a secure correctional facility operated by or on behalf of that State or unit of local government—

“(A) has a minimum ratio of not fewer than 1 mental health and substance abuse counselor for every 50 juveniles, who shall be professionally trained and certified or licensed;
“(B) has a minimum ratio of not fewer than 1 clinical psychologist for every 100 juveniles; and

“(C) has a minimum ratio of not fewer than 1 licensed psychiatrist for every 100 juveniles receiving psychiatric care.

“(3) LIMITATION ON ISOLATION.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall require that—

“(A) isolation is used only for immediate and short-term security or safety reasons;

“(B) no juvenile is placed in isolation without approval of the facility superintendent or chief medical officer or their official staff designee;

“(C) all instances in which a juvenile is placed in isolation are documented in the file of a juvenile along with the justification;

“(D) a juvenile is in isolation only the amount of time necessary to achieve security and safety of the juvenile and staff;

“(E) staff monitor each juvenile in isolation once every 15 minutes and conduct a profes-
sional review of the need for isolation at least
every 4 hours; and

“(F) any juvenile held in isolation for 24
hours is examined by a physician or licensed
psychologist.

“(4) MEDICAL AND MENTAL HEALTH EMER-
GENCIES.—A State or unit of local government receiv-
ing a grant for an activity described in subsection
(b)(1)(C) shall require that a correctional facility op-
erated by or on behalf of that State or unit of local
government has written policies and procedures on
suicide prevention. All staff working in a correctional
facility operated by or on behalf of a State or unit
of local government receiving a grant for an activity
described in subsection (b)(1)(C) shall be trained and
certified annually in suicide prevention. A correc-
tional facility operated by or on behalf of a State or
unit of local government receiving a grant for an ac-
tivity described in subsection (b)(1)(C) shall have a
written arrangement with a hospital or other facility
for providing emergency medical and mental health
care. Physical and mental health services shall be
available to an incarcerated juvenile 24 hours per
day, 7 days per week.
“(5) IDEA AND REHABILITATION ACT.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall require that all juvenile facilities operated by or on behalf of the State or unit of local government abide by all mandatory requirements and timelines set forth under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

“(6) FISCAL RESPONSIBILITY.—A State or unit of local government receiving a grant for an activity described in subsection (b)(1)(C) shall provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section that are used for an activity described in subsection (b)(1)(C).”.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking “PARTS C AND E” and inserting “PARTS C, E, AND F”;
(B) in paragraph (1), by striking “this title” and all that follows and inserting the following: “this title—

“(A) $245,900,000 for fiscal year 2011;
“(B) $295,100,000 for fiscal year 2012;
“(C) $344,300,000 for fiscal year 2013;
“(D) $393,500,000 for fiscal year 2014; and
“(E) $442,700,000 for fiscal year 2015.”; and

(C) in paragraph (2), in the matter preceding subparagraph (A), by striking “parts C and E” and inserting “parts C, E, and F”;


(3) in subsection (c)—

(A) by inserting “(other than section 216(c))” after “Part E”; and


(4) by redesignating subsection (d) as subsection (f); and

(5) by inserting after subsection (c) the following:
“(d) Authorization of Appropriations for Part E, Section 261(c).—There are authorized to be appropriated to carry out section 261(c), and authorized to remain available until expended—

“(1) $23,000,000 for each of fiscal years 2011, 2012, and 2013;

“(2) $8,000,000 for fiscal year 2014; and

“(3) $3,000,000 for fiscal year 2015.

“(e) Authorization of Appropriations for Part F.—

“(1) In general.—There are authorized to be appropriated to carry out part F, and authorized to remain available until expended, $80,000,000 for each of fiscal years 2011, 2012, 2013, 2014, and 2015.

“(2) Allocation.—Of the sums that are appropriated for a fiscal year to carry out part F—

“(A) not less than 40 percent shall be used to fund programs that are carrying out an activity described in subparagraph (C), (D), or (E) of section 271(b)(1); and

“(B) not less than 50 percent shall be used to fund programs that are carrying out an activity described in subparagraph (A) of that section.”.
SEC. 213. ADMINISTRATIVE AUTHORITY.

Section 299A(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672(e)) is amended by striking “requirements described in paragraphs (11), (12), and (13) of section 223(a)” and inserting “core requirements”.

SEC. 214. AUTHORITY FOR FEDERAL PRETRIAL SERVICES WITH RESPECT TO JUVENILES.

Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (14) as paragraph (15); and

(2) by inserting after paragraph (13) the following:

“(14) Perform, in a manner appropriate for juveniles, any of the functions identified in this section with respect to juveniles awaiting adjudication, trial, or disposition under chapter 403 of this title who are not detained.”.

SEC. 215. TECHNICAL AND CONFORMING AMENDMENTS.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 204(b)(6), by striking “section 223(a)(15)” and inserting “section 223(a)(16)”;

(2) in section 246(a)(2)(D), by striking “section 222(c)” and inserting “section 222(d)”; and
(3) in section 299D(b), of by striking “section 222(c)” and inserting “section 222(d)”.

TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

SEC. 301. DEFINITIONS.

Section 502 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5781) is amended—

(1) in the section heading, by striking “DEFINITION” and inserting “DEFINITIONS”; and

(2) by striking “this title, the term” and inserting the following: “this title—

“(1) the term ‘mentoring’ means matching 1 adult with 1 or more youths (not to exceed 4 youths) for the purpose of providing guidance, support, and encouragement aimed at developing the character of the youths, where the adult and youths meet regularly for not less than 4 hours each month for not less than a 9-month period; and

“(2) the term”. 
SEC. 302. GRANTS FOR DELINQUENCY PREVENTION PROGRAMS.

Section 504(a) of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5783(a)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(9) mentoring programs.”.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

Section 505 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5784) is amended to read as follows:

“SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title—

“(1) $322,800,000 for fiscal year 2011;

“(2) $373,400,000 for fiscal year 2012;

“(3) $424,000,000 for fiscal year 2013;

“(4) $474,600,000 for fiscal year 2014; and

“(5) $525,200,000 for fiscal year 2015.”.

SEC. 304. TECHNICAL AND CONFORMING AMENDMENT.

The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking title V, as added by the
Juvenile Justice and Delinquency Prevention Act of 1974
(Public Law 93–415; 88 Stat. 1133) (relating to miscellaneous and conforming amendments).

TITLE IV—PRECAUTION ACT

SEC. 401. SHORT TITLE.

This title may be cited as the “Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act of 2009” or the “PRE-CAUTION Act”.

SEC. 402. PURPOSES.

The purposes of this title are to—

(1) establish a commitment on the part of the Federal Government to provide leadership on successful crime prevention and intervention strategies;

(2) further the integration of crime prevention and intervention strategies into traditional law enforcement practices of State and local law enforcement offices around the country;

(3) develop a plain-language, implementation-focused assessment of those current crime and delinquency prevention and intervention strategies that are supported by rigorous evidence;

(4) provide additional resources to the National Institute of Justice to administer grants, contracts, and cooperative agreements for research and develop-
ment for promising crime prevention and intervention strategies;

(5) develop recommendations for Federal priorities for crime and delinquency prevention and intervention research, development, and funding that may augment important Federal grant programs, including the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant programs administered by the Office of Community Oriented Policing Services of the Department of Justice, grant programs administered by the Office of Safe and Drug-Free Schools of the Department of Education, and other similar programs; and

(6) reduce the costs that rising violent crime imposes on interstate commerce.

SEC. 403. DEFINITIONS.

In this title, the following definitions shall apply:

(1) COMMISSION.—The term “Commission” means the National Commission on Public Safety Through Crime Prevention established under section 404(a).

(2) RIGOROUS EVIDENCE.—The term “rigorous evidence” means evidence generated by scientifically
valid forms of outcome evaluation, particularly ran-
domized trials (where practicable).

(3) \textit{Subcategory.}—The term “subcategory”
means 1 of the following categories:

(A) Family and community settings (includ-
ing public health-based strategies).

(B) Law enforcement settings (including
probation-based strategies).

(C) School settings (including antigang and
general antiviolence strategies).

(4) \textit{Top-tier.}—The term “top-tier” means any
strategy supported by rigorous evidence of the sizable,
sustained benefits to participants in the strategy or to
society.

\textbf{SEC. 404. NATIONAL COMMISSION ON PUBLIC SAFETY
THROUGH CRIME PREVENTION.}

(a) \textit{Establishment.}—There is established a commis-
sion to be known as the National Commission on Public

(b) \textit{Members.}—

(1) \textit{In general.}—The Commission shall be com-
posed of 9 members, of whom—

(A) 3 shall be appointed by the President,
1 of whom shall be the Assistant Attorney Gen-
eral for the Office of Justice Programs or a representative of such Assistant Attorney General;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 shall be appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—Each member of the Commission shall be an individual who has
knowledge or expertise in matters to be studied by the Commission.

(B) Required representatives.—At least—

(i) 2 members of the Commission shall be respected social scientists with experience implementing or interpreting rigorous, outcome-based trials; and

(ii) 2 members of the Commission shall be law enforcement practitioners.

(3) Consultation required.—The President, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) Term.—Each member shall be appointed for the life of the Commission.

(5) Time for initial appointments.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act.
(6) Vacancies.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later than 60 days after the date on which the vacancy occurred.

(7) Ex officio members.—The Director of the National Institute of Justice, the Director of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Community Capacity Development Office, the Director of the Bureau of Justice Statistics, the Director of the Bureau of Justice Assistance, and the Director of Community Oriented Policing Services (or a representative of each such director) shall each serve in an ex officio capacity on the Commission to provide advice and information to the Commission.

(c) Operation.—

(1) Chairperson.—At the initial meeting of the Commission, the members of the Commission shall elect a chairperson from among its voting members, by a vote of 2/3 of the members of the Commission. The chairperson shall retain this position for the life of the Commission. If the chairperson leaves the Commission, a new chairperson shall be selected, by a vote of 2/3 of the members of the Commission.
(2) MEETINGS.—The Commission shall meet at
the call of the chairperson. The initial meeting of the
Commission shall take place not later than 30 days
after the date on which all the members of the Com-
mission have been appointed.

(3) QUORUM.—A majority of the members of the
Commission shall constitute a quorum to conduct
business, and the Commission may establish a lesser
quorum for conducting hearings scheduled by the
Commission.

(4) RULES.—The Commission may establish by
majority vote any other rules for the conduct of Com-
mission business, if such rules are not inconsistent
with this title or other applicable law.

(d) PUBLIC HEARINGS.—

(1) IN GENERAL.—The Commission shall hold
public hearings. The Commission may hold such hear-
ings, sit and act at such times and places, take such
testimony, and receive such evidence as the Commis-
sion considers advisable to carry out its duties under
this section.

(2) FOCUS OF HEARINGS.—The Commission
shall hold at least 3 separate public hearings, each of
which shall focus on 1 of the subcategories.
(3) Witness Expenses.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(e) Comprehensive Study of Evidence-based Crime Prevention and Intervention Strategies.—

(1) In general.—The Commission shall carry out a comprehensive study of the effectiveness of crime and delinquency prevention and intervention strategies, organized around the 3 subcategories.

(2) Matters included.—The study under paragraph (1) shall include—

(A) a review of research on the general effectiveness of incorporating crime prevention and intervention strategies into an overall law enforcement plan;

(B) an evaluation of how to more effectively communicate the wealth of social science research to practitioners;

(C) a review of evidence regarding the effectiveness of specific crime prevention and intervention strategies, focusing on those strategies supported by rigorous evidence;
(D) an identification of—

(i) promising areas for further research
and development; and

(ii) other areas representing gaps in
the body of knowledge that would benefit
from additional research and development;

(E) an assessment of the best practices for
implementing prevention and intervention strategies;

(F) an assessment of the best practices for
gathering rigorous evidence regarding the imple-
mentation of intervention and prevention strategies; and

(G) an assessment of those top-tier strategies
best suited for duplication efforts in a range of
settings across the country.

(3) INITIAL REPORT ON TOP-TIER CRIME PRE-
VENTION AND INTERVENTION STRATEGIES.—

(A) DISTRIBUTION.—Not later than 18
months after the date on which all members of
the Commission have been appointed, the Com-
mision shall submit a public report on the
study carried out under this subsection to—

(i) the President;

(ii) Congress;
(iii) the Attorney General;

(iv) the Chief Federal Public Defender of each district;

(v) the chief executive of each State;

(vi) the Director of the Administrative Office of the Courts of each State;

(vii) the Director of the Administrative Office of the United States Courts; and

(viii) the attorney general of each State.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the findings and conclusions of the Commission;

(ii) a summary of the top-tier strategies, including—

(I) a review of the rigorous evidence supporting the designation of each strategy as top-tier;

(II) a brief outline of the keys to successful implementation for each strategy; and

(III) a list of references and other information on where further information on each strategy can be found;
(iii) recommended protocols for implementing crime and delinquency prevention and intervention strategies generally;

(iv) recommended protocols for evaluating the effectiveness of crime and delinquency prevention and intervention strategies; and

(v) a summary of the materials relied upon by the Commission in preparation of the report.

(C) CONSULTATION WITH OUTSIDE AUTHORITIES.—In developing the recommended protocols for implementation and rigorous evaluation of top-tier crime and delinquency prevention and intervention strategies under this paragraph, the Commission shall consult with the Committee on Law and Justice at the National Academy of Science and with national associations representing the law enforcement and social science professions, including the National Sheriffs’ Association, the Police Executive Research Forum, the International Association of Chiefs of Police, the Consortium of Social Science Associations, and the American Society of Criminology.
(f) Recommendations Regarding Innovative Crime Prevention and Intervention Strategies.—

(1) Submission.—

(A) In general.—Not later than 30 days after the date of the final hearing under subsection (d) relating to a subcategory, the Commission shall provide the Director of the National Institute of Justice and the Attorney General with recommendations on qualifying considerations relating to that subcategory for selecting recipients of contracts, cooperative agreements, and grants under section 405.

(B) Deadline.—Not later than 13 months after the date on which all members of the Commission have been appointed, the Commission shall provide all recommendations required under this subsection.

(2) Matters included.—The recommendations provided under paragraph (1) shall include recommendations relating to—

(A) the types of strategies for the applicable subcategory that would best benefit from additional research and development;

(B) any geographic or demographic targets;
(C) the types of partnerships with other public or private entities that might be pertinent and prioritized; and

(D) any classes of crime and delinquency prevention and intervention strategies that should not be given priority because of a pre-existing base of knowledge that would benefit less from additional research and development.

(g) Final Report on the Results of Innovative Crime Prevention and Intervention Strategies.—

(1) In General.—Following the close of the 3-year period for the evaluation of an innovative strategy under section 405, the Commission shall collect the results of the evaluation and shall submit a public report to the President, the Attorney General, Congress, the chief executive of each State, and the attorney general of each State describing each strategy funded under section 405 and the results of the strategy. The report under this paragraph shall be submitted not later than 5 years after the date of the selection of the chairperson of the Commission.

(2) Collection of Information and Evidence Regarding Recipients.—The collection of information and evidence by the Commission regarding each
recipient of a contract, cooperative agreement, or grant under section 405 shall be carried out by—

(A) ongoing communications with the grant administrator at the National Institute of Justice and other appropriate officers at other components of the Department of Justice;

(B) visits by representatives of the Commission (including at least 1 member of the Commission) to the site where the recipient of a contract, cooperative agreement, or grant is carrying out the strategy funded under section 405, at least once in the second and once in the third year of the contract, cooperative agreement, or grant;

(C) a review of the data generated by the study monitoring the effectiveness of the strategy; and

(D) other means as necessary.

(3) MATTERS INCLUDED.—The report submitted under paragraph (1) shall include a review of each strategy carried out with a contract, cooperative agreement, or grant under section 405, detailing—

(A) the type of crime or delinquency prevention or intervention strategy;
(B) where the activities under the strategy were carried out, including geographic and demographic targets;

(C) any partnerships with public or private entities through the course of the period of the contract, cooperative agreement, or grant;

(D) the type and design of the effectiveness study conducted under section 405(b)(4) or section 405(c)(2)(C) for that strategy;

(E) the results of the effectiveness study conducted under section 405(b)(4) or section 405(c)(2)(C) for that strategy;

(F) lessons learned regarding implementation of that strategy or of the effectiveness study conducted under section 405(b)(4) or section 405(c)(2)(C), including recommendations regarding which types of environments might best be suited for successful replication; and

(G) recommendations regarding the need for further research and development of the strategy.

(h) PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of
chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(2) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation.

(3) STAFF.—

(A) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.
(4) **DETAIL OF FEDERAL EMPLOYEES.**—With the affirmative vote of 2/3 of the members of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(i) **CONTRACTS FOR RESEARCH.**—

(1) **NATIONAL INSTITUTE OF JUSTICE.**—With a 2/3 affirmative vote of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties under this title. The National Institute of Justice shall contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) **OTHER ORGANIZATIONS.**—Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated $5,000,000 to carry out this section.
(k) **TERMINATION.**—The Commission shall terminate on the date that is 30 days after the date on which the Commission submits the last report required by this section.

(l) **EXEMPTION.**—The Commission shall be exempt from the Federal Advisory Committee Act.

**SEC. 405. INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGIES.**

(a) **IN GENERAL.**—The Attorney General may fund the implementation and evaluation of innovative crime or delinquency prevention or intervention strategies through coordinated initiatives, as described in subsection (b), through grants authorized under subsection (c), or a combination of the coordinated initiatives and grants.

(b) **COORDINATED INITIATIVES.**—

(1) **IN GENERAL.**—The Attorney General, acting through the Director of the National Institute of Justice, may coordinate efforts between the National Institute of Justice and other appropriate components of the Department of Justice to implement and rigorously evaluate innovative crime or delinquency prevention or intervention strategies.

(2) **SELECTION OF STRATEGIES.**—The Director of the National Institute of Justice, in consultation with the heads of other appropriate components of the Department of Justice, shall identify innovative crime
or delinquency prevention or intervention strategies that would best benefit from additional funding and evaluation, taking into consideration the recommendations of the Commission under section 404(f).

(3) PROGRAM OFFICE ROLE.—The head of any appropriate component of the Department of Justice, as determined by the Attorney General, may provide incentives under a contract, cooperative agreement, or grant entered into or made by the component, including a competitive preference priority and providing additional funds, for a public or private entity to—

(A) implement a strategy identified under paragraph (2); or

(B) participate in the evaluation under paragraph (4) of the strategies identified under paragraph (2).

(4) NATIONAL INSTITUTE OF JUSTICE EVALUATION.—

(A) IN GENERAL.—The Director of the National Institute of Justice may enter into or make contracts, cooperative agreements, or grants to conduct a rigorous study of the effectiveness of each strategy relating to which an incentive is provided under paragraph (3).
(B) AMOUNT AND DURATION.—A contract, cooperative agreement, or grant under subparagraph (A) shall be for not more than $700,000, and shall be for a period of not more than 3 years.

(C) METHODOLOGY OF STUDY.—Each study conducted under subparagraph (A) shall use a study design that is likely to produce rigorous evidence of the effectiveness of the strategy and, where feasible, measure outcomes using available administrative data, such as police arrest records, so as to minimize the costs of the study.

(c) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Director of the National Institute of Justice may make grants to public and private entities to fund the implementation and evaluation of innovative crime or delinquency prevention or intervention strategies. The purpose of grants under this subsection shall be to provide funds for all expenses related to the implementation of such a strategy and to conduct a rigorous study on the effectiveness of that strategy.

(2) GRANT DISTRIBUTION.—
(A) Period.—A grant under this subsection shall be made for a period of not more than 3 years.

(B) Amount.—The amount of each grant under this subsection—

(i) shall be sufficient to ensure that rigorous evaluations may be performed; and

(ii) shall not exceed $2,000,000.

(C) Evaluation Set-Aside.—

(i) In general.—A grantee shall use not less than $300,000 and not more than $700,000 of the funds from a grant under this subsection for a rigorous study of the effectiveness of the strategy during the 3-year period of the grant for that strategy.

(ii) Methodology of study.—

(I) In general.—Each study conducted under clause (i) shall use an evaluator and a study design approved by the employee of the National Institute of Justice hired or assigned under subsection (e) and, where feasible, measure outcomes using available administrative data, such as police arrest
records, so as to minimize the costs of the study.

(II) CRITERIA.—The employee of the National Institute of Justice hired or assigned under subsection (e) shall approve—

(aa) an evaluator that has successfully carried out multiple studies producing rigorous evidence of effectiveness; and

(bb) a proposed study design that is likely to produce rigorous evidence of the effectiveness of the strategy.

(III) APPROVAL.—Before a grant is awarded under this subsection, the evaluator and study design of a grantee shall be approved by the employee of the National Institute of Justice hired or assigned under subsection (e).

(D) DATE OF AWARD.—Not later than 6 months after the date of receiving recommendations relating to a subcategory from the Commission under section 404(f), the Director of the National Institute of Justice shall award all grants
under this subsection relating to that subcategory.

(E) Type of Grants.—One-third of the grants made under this subsection shall be made in each subcategory. In distributing grants, the recommendations of the Commission under section 404(f) shall be considered.

(d) Authorization of Appropriations.—There are authorized to be appropriated $18,000,000 to carry out subsections (b) and (c).

(e) Dedicated Staff.—

(1) In general.—The Director of the National Institute of Justice shall hire or assign a full-time employee to oversee the contracts, cooperative agreements, and grants under this section.

(2) Study Oversight.—The employee of the National Institute of Justice hired or assigned under paragraph (1) shall be responsible for ensuring that recipients of a contract, cooperative agreement, or grant under this section adhere to the study design approved before the contract, cooperative agreement, or grant was entered into or awarded.

(3) Liaison.—The employee of the National Institute of Justice hired or assigned under paragraph (1) may be used as a liaison between the Commission
and the recipients of a contract, cooperative agreement, or grant under this section. The employee shall be responsible for ensuring timely cooperation with Commission requests.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $150,000 for each of fiscal years 2010 through 2014 to carry out this subsection.

(f) APPLICATIONS.—A public or private entity desiring a contract, cooperative agreement, or grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director of the National Institute of Justice or other appropriate component of the Department of Justice may reasonably require.

(g) COOPERATION WITH THE COMMISSION.—A person entering into a contract or cooperative agreement or receiving a grant under this section shall cooperate with the Commission in providing the Commission with full information on the progress of the strategy being carried out with a contract, cooperative agreement, or grant under this section, including—

(1) hosting visits by the members of the Commission to the site where the activities under the strategy are being carried out;
(2) providing pertinent information on the logistics of establishing the strategy for which the contract, cooperative agreement, or grant under this section was received, including details on partnerships, selection of participants, and any efforts to publicize the strategy; and

(3) responding to any specific inquiries that may be made by the Commission.

SEC. 406. FUNDING.

Section 524(c) of title 28, United States Code, is amended by adding at the end the following:

“(12) For the first full fiscal year after the date of enactment of the PRECAUTION Act, and each fiscal year thereafter through the end of the fifth full fiscal year after such date of enactment, there is appropriated to the Attorney General from the Fund $4,750,000 to carry out the PRECAUTION Act.”.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EVALUATION BY GENERAL ACCOUNTING OFFICE.

(a) EVALUATION.—Not later than October 1, 2010, the Comptroller General of the United States shall—

(1) conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice Delinquency and Prevention (referred
to in this section as “the agency”), its functions, its
programs, and its grants;

(2) conduct a comprehensive audit and evaluation of a selected, statistically significant sample of grantees (as determined by the Comptroller General) that receive Federal funds under grant programs administered by the Office of Juvenile Justice Delinquency and Prevention including a review of internal controls to prevent fraud, waste, and abuse of funds by grantees; and

(3) submit a report in accordance with subsection (d).

(b) Considerations for Evaluation.—In conducting the analysis and evaluation under subsection (a)(1), and in order to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children’s Assistance Act (42 U.S.C. 5771 et seq.), the Comptroller General shall take into consideration—

(1) the extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies;
(2) the potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies; and the potential for consolidating those programs;

(3) whether present functions or operations are impeded or enhanced by existing statutes, rules and procedures;

(4) the number and types of beneficiaries or persons served by programs carried out by the agency;

(5) the manner with which the agency seeks public input and input from State and local Governments on the performance of the functions of the agency;

(6) the extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the Freedom of Information Act);

(7) whether greater oversight is needed of programs developed with grants made by the agency; and

(8) the extent to which changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner.

(c) CONSIDERATIONS FOR AUDITS.—In conducting the audit and evaluation under subsection (a)(2), and in order to document the efficiency and public benefit of the Juvenile

(1) whether grantees timely file Financial Status Reports;

(2) whether grantees have sufficient internal controls to ensure adequate oversight of grant fund received;

(3) whether disbursements were accompanied with adequate supporting documentation (including invoices and receipts);

(4) whether expenditures were authorized;

(5) whether subrecipients of grant funds were complying with program requirements;

(6) whether salaries and fringe benefits of personnel were adequately supported by documentation;

(7) whether contracts were bid in accordance with program guidelines; and

(8) whether grant funds were spent in accordance with program goals and guidelines.

(d) REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall submit a report regarding the
evaluation conducted under subsection (a) and audit under subsection (b), together with supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate, and be made available to the public, not later than October 1, 2011.

(2) CONTENTS.—The report submitted in accordance with paragraph (1) shall include all audit findings determined by the selected, statistically significant sample of grantees as required by subsection (a)(2) and shall include the name and location of any selected grantee as well as any findings required by subsection (a)(2).
To reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 678

A BILL

Calendar No. 243

DECEMBER 17, 2009

Reported with an amendment

DECEMBER 17, 2009

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